

## **THIRD-PARTY APPEAL**

### **Comment Summary and County Responses**

#### **1. The FEIR's Analysis of Alternatives and Assertion That Alternative 6 or Smaller Project Versions are Infeasible is not Supported by the Required Analysis or Substantial Evidence.**

The appeal contends the EIR/EIS does not contain an adequate analysis of alternatives. The appeal subdivides this issue into various sub-issues. Each sub-issue is discussed below.

##### **a. The DEIS fails to analyze an adequate range of alternatives that would reduce the environmental impacts of the proposed Project.**

The purpose of the analysis of alternatives is to determine whether there is a way to attain most of the basic objectives of the project, while avoiding or substantially lessening the project's significant environmental effects. (CEQA Guidelines, § 15126.6.) The focus of the analysis is to determine whether an alternative offers substantial environmental advantages over the project as proposed. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 556.)

In this case, the EIR/EIS concludes the Project will result in various significant environmental impacts. With four exceptions, the Project's impacts can be avoided or substantially lessened by means of adopting identified mitigation measures. The following impacts are considered significant and unavoidable:

Impacts TRANS-3 and TRANS-C1. These impacts are the result of traffic that the Project will contribute to the summertime congestion at the Tahoe City "Y" and Fanny Bridge. Any alternative that would result in an incremental increase in traffic at Fanny Bridge would also result in significant and unavoidable impacts based on the TRANS-3 and TRANS-C1 thresholds of significance because this area already experiences queuing problems during the summer under existing conditions.

Mitigation measures included in the EIR/EIS require the payment of "fair share" fees. (FEIR/EIS, p. 11-77.) The amount of the fee will vary depending on the amount of summertime traffic generated by each Alternative. A larger project will contribute a greater amount of fair-

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share fees. A smaller project will contribute a proportionately smaller fee.

Agencies have proposed a Fanny Bridge bypass that will fix the problem, and if implemented this significant impact will no longer occur. The project's fair-share funding will contribute towards the cost of the bypass. Because the bypass project has not been approved, however, it would be inappropriate for the County to assume the existing problem will be fixed. In light of uncertainties regarding when the Fanny Bridge problem will be solved, the conservative approach is to identify this impact as significant and unavoidable. This issue is discussed in FEIR/EIS chapter 11, in chapter 23 (responses to comments) and at Master Response 9.

Impacts CC-C1 and CC-C2. The Project will generate greenhouse gas emissions. At the project level, these emissions are not considered significant. On a cumulative level, however, these emissions will contribute to significant climate change impacts. The amount of GHG emissions varies from one alternative to the next. Any alternative that attains the basic objective of the Project, however, would also result in significant and unavoidable impacts with respect to cumulative climate change. Therefore, the only way to avoid this cumulative impact would be to disapprove redevelopment of Homewood. (See FEIR/EIS, Tables 19-27, 19-28 [table showing GHG emissions over the near- and long-term for the proposed Project and each alternative].)

The analysis of these impacts is conservative, in that it does not take into account the net reduction in GHG emissions that will occur as the result of the transfer of tourist accommodation units ("TAUs") from elsewhere in the Tahoe Basin to the Homewood project. The transfer of TAUs will result in reducing the number of such units elsewhere in the basin. This reduction in units will result in a direct decrease in GHG emissions from the use of those other units, and an indirect decrease in GHG emissions from reduced vehicular traffic associated with taking those units off line. The reduction in GHG emissions that will result from the transfer of TAUs has not been quantified. Such a reduction will, however, occur, even if precise quantification is infeasible. The reduction in GHG emissions will be proportional to the number of TAUs transferred to Homewood. A larger project will result in the transfer of more TAUs, and a smaller project will result in the transfer of fewer TAUs. The transfer of TAUs will result in a reduction of GHG emissions elsewhere in the basin, with the size of this reduction also varying depending on the number of TAUs transferred.

The appeal contends the EIR/EIS does not analyze a reasonable range of alternatives. In particular, the appeal states that, although appellants support redevelopment at Homewood, the County should consider an alternative project that is reduced in size by approximately one third-- i.e., from 332 units to approximately 224 units. (See, e.g., transcript of proceedings, Placer County Planning Commission (October 18, 2011), pp. 66:19-21 [comments by representative of Sierra Club], 86:11-15 [comments by representative of League to Save Lake Tahoe], 91:1-3 [comments by representative of Friends of the West Shore].) Appellants' proposal to reduce the number of units by approximately one third was made to the County and JMA after the County released the Final EIR/EIS, at the Planning Commission hearing on the project.

The EIR/EIS includes an analysis of Alternative 6. Under Alternative 6, the number of total tourist accommodation and residential units would be reduced from 332 to 284, a reduction of approximately 14%. The EIS/EIR concludes that Alternative 6 would not avoid or substantially lessen the Project's significant and unavoidable impacts. The analysis of the traffic and climate change impacts of Alternative 6 is set forth in EIR/EIS chapters 11 and 19, respectively. Specifically:

- The proposed Project (Alternative 1A) would generate approximately 1,456 daily summertime trips. (FEIR/EIS, Table 11-9A.) Alternative 6 would generate approximately 1,331 daily summertime trips. (FEIR/EIS, Table 11-12.) Thus, under Alternative 6, the total number of daily summertime trips would be reduced by roughly 8%.

Neither the proposed Project nor Alternative 6 avoids the significant and unavoidable impacts at the Tahoe City "Y" and Fanny Bridge. The reason is the Fanny Bridge area is already experiencing queuing problems. (FEIR/EIS, pp. 11-75 - 11-76.) Both the proposed Project (Alternative 1A) and Alternative 6 contribute summertime traffic at that location, and will therefore exacerbate existing queuing problems. Alternative 6's "fair share" contribution to fixing the problem at Fanny Bridge would be proportionately reduced. (FEIR/EIS, pp. 11-75 - 11-77.)

- The proposed Project (Alternative 1A) would generate approximately 44,429 CO<sub>2</sub>e metric tons of emissions per year. Alternative 6 would generate approximately 44,961 CO<sub>2</sub>e metric tons of emissions per year. (FEIR/EIS, Tables 19-27, 19-28.) This incremental contribution of GHG emissions, while "negligible" in the global context, is considered significant. (FEIR/EIS, p. 19-50.)

As noted above, the number of TAUs transferred to Homewood will vary depending on the size of the project. Alternative 1A requires the transfer of 135 TAUs. Thus, GHG emissions from Alternative 1A will be offset by the transfer of 152 TAUs from elsewhere in the basin (note that 50 of the transferred TAUs will be converted to residential units of use). Alternative 6 requires the transfer of 75 TAUs. (FEIR/EIS, p. 3-69.) The offset in GHG emissions from the transfer of TAUs from elsewhere in the basin will therefore be proportionately reduced.

For these reasons, the analysis shows that Alternative 6 would not avoid the project's significant and unavoidable impacts.

The same would be true of an alternative consisting of approximately 224 units:

- With respect to traffic, summertime trip generation would be lower than the proposed Project or Alternative 6, but such an alternative would still result in increased summertime traffic at Fanny Bridge. Such an alternative would therefore exacerbate existing queuing problems at that location. Although such an alternative's incremental contribution to the queuing problem would likely be incrementally reduced, the impact would remain significant and unavoidable. In addition, the "fair share" contribution of such an alternative to the Fanny Bridge Bypass would be reduced by approximately one third.
- With respect to climate change, GHG emissions would likely be incrementally lower than those of the project, but those emissions would remain significant and unavoidable on a cumulative level. In addition, an alternative consisting of 224 units may require the transfer of fewer TAUs than Alternatives 1A or 6, which in turn would result in smaller reduction in GHG emissions from elsewhere in the basin.

In sum, the analysis of Alternative 6 demonstrates that down-sizing the project would not avoid or substantially lessen these impacts. Further reductions in the number of units, over and above the 14% reduction envisioned under Alternative 6, would still result in these same impacts. In short, the analysis shows that further down-sizing the project would not solve environmental problems identified in the EIR/EIS.

The appellants have advocated for an alternative that has been reduced by one third, stating that such an alternative would generate less traffic, be less visually imposing, have less air quality impacts, and be more compatible with the neighborhood. The analysis in the EIR/EIS concludes the project, as mitigated, will not have significant traffic impacts (with the exception of the

Fanny Bridge problem noted above); will not have significant visual impacts; will not have significant land-use compatibility impacts; and, as mitigated, will not have significant air quality impacts. Thus, although a smaller alternative may lessen these impacts, Alternative 1A (as mitigated) will not have significant impacts with respect to these resources (again, with the exception of the Fanny Bridge problem, noted above). In CEQA terms, such a reduced alternative will not have environmental advantages as compared to Alternative 1A. From a CEQA perspective, such an alternative does not offer clear environmental advantages as compared to Alternative 1A. Thus, the fact that the appellants or others may regard such an alternative as more desirable does not require that the Board must adopt that alternative. (See FEIR/EIS, chapter 23, Master Response 7 [discussion of impacts on community character].)

The FEIR/EIS analyzes in detail an alternative consisting of a reduced number of units: Alternative 6. The analysis indicates that further reductions in units would not avoid the project's significant and unavoidable impacts. Nonetheless, the FEIR/EIS identifies Alternative 6 as the environmentally superior alternative and described its rationale for reaching this conclusion. (FEIR/EIS, section 20.6, pp. 20-21 - 20-22.) County staff has determined that this conclusion is supported by substantial evidence and does not recommend modifying this conclusion. Nonetheless, County staff also concludes that neither Alternative 6 nor an alternative project that is reduced in size by approximately one third would avoid the proposed Project's significant and unavoidable impacts identified in the FEIR/EIS. Staff therefore concludes the EIR/EIR fulfills its purpose of providing sufficient information to allow decision-makers to make a reasoned choice from amongst available alternatives. (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 354-355; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029; see also FEIR/EIS, chapter 23, Master Response 2.)

**b. The FEIR must be circulated for a full 45-day comment period and responses prepared because the County did not possess or make available the financial feasibility document prepared by Homewood during the 45-day review period for the DEIR.**

The appeal contends the County must recirculate the Draft EIR/EIS because the County did not possess or make available the financial feasibility documentation prepared by Homewood during the 45-day review period for the DEIR.

JMA, as applicant for the proposed Project, presented the referenced financial information in power point presentations at multiple public meetings in early 2011, both prior to and during the period when the County and TRPA circulated the Draft EIR/EIS. Based on information provided by JMA,

representatives of appellants were present at these meetings. (Letter from Whit Manley to Placer County (October 17, 2011).) Appellants therefore were provided financial information referenced in the Draft EIR/EIS. The County and its consultants were also present at these meetings, and thus obtained the information referenced in the Draft EIR/EIS based on these meetings.

The appeal states the financial information referenced in the Draft EIR/EIS was not provided to Mr. Overstreet when he examined the County's records during the public comment period. At the time, the County had not received a written report presenting the financial information. Instead, County staff and consultants had attended the public meetings noted above, at which JMA presented its financial analysis. The appellants also attended these meetings.

Nothing in CEQA requires a public agency to rely exclusively on written reports in preparing an EIR. The County, like other public agencies, routinely relies not only on written reports, but also on telephonic communications or other contacts in preparing EIRs or other analyses. In this case, the information relied upon by the County consisted of the presentations by JMA at public meetings.

Following the circulation of the Draft EIR/EIS, the appellants asked for financial information relied upon by the County. The County contacted JMA for a copy of the information provided in the power point presented at public meetings in early 2011. JMA forwarded a document containing the information presented in the power point presentation. The County forwarded this information to the appellants. This information has been publicly available since early 2011.

In addition, JMA met with representatives of the appellants (Ron Grassi of the Tahoe Area Sierra Club, Judi Tornese and Mason Overstreet of the FOWS) in March 2011. During that meeting, JMA shared the financial information with the appellant representatives. The appellant representatives subsequently acknowledged receipt of the financial information in an email to JMA following the meeting (March 8, 2011).

Following publication of the Draft EIR/EIS, additional information regarding the financial feasibility of alternatives has been submitted to the County. This information includes a September 14, 2011, analysis prepared by BAE Urban Economics. Mr. Lozeau's October 12, 2011, letter comments on this financial information. (Letter from Michael Lozeau to Placer County (October 12, 2011), pp. 4-5.) On November 2, 2011, the County received a letter concerning economic feasibility from appellant Ron Grassi of the Sierra Club. On November 8, 2011, the County received an additional memorandum from BAE concerning these issues. (Memorandum from Matt Kowta, BAE Urban Economics, to David Landry, Senior Planner, Tahoe Regional Planning

Agency, and Allen Breuch, Supervising Planner, Placer County (November 4, 2011).)

Information regarding financial or economic feasibility involves matters requiring technical expertise. BAE has submitted information showing that it possesses expertise and experience regarding economic and financial matters. The County has not received information indicating that Mr. Lozeau or Mr. Grassi are experts with respect to operation or development of ski resorts, or financial/economic issues generally. The expertise of those submitting information on matters requiring expertise is a relevant consideration in deciding whether to rely on that information. (See *Bowman v. City of Berkeley* (2005) 122 Cal.App.4th 572, 583; *Cathay Mortuary, Inc. v. San Francisco Planning Com.* (1989) 207 Cal.App.3d 275, 281.)

In any event, all of the information pertaining to these issues – including the submittals by BAE, Mr. Lozeau and Mr. Grassi -- will be available to the Board of Supervisors when it considers the appeal. The Board's decision will also involve consideration of the feasibility of alternatives to the Project. The Board ultimately determines how much weight to give to this information.

**c. Because the agencies added new, significant financial information to the EIR requires recirculation of the DEIR because its inclusion in the FEIR precluded the public from commenting on an alternative that was not selected.**

The appeal contends the County must recirculate the Draft EIR for another comment period of 45 or more days. The County disagrees. Information on the feasibility of the project and alternatives does not need to be included in the Final EIR in order to be considered by agency decision-makers. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566; *San Franciscans Upholding the Downtown Plan v. City of San Francisco* (2002) 102 Cal.App.4th 656; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383; *Sierra Club v. County of Napa* (2005) 121 Cal.App.4th 1490.) For this reason, the submittals by BAE, Mr. Lozeau and Mr. Grassi, or other information concerning the economic feasibility of the project or alternatives; does not trigger the requirement to recirculate the Draft EIR. (CEQA Guidelines, § 15088.5, subd. (a); *WP CARE v. County of Placer* (2006) 144 Cal.App.4th 890, 903-906.)

**d. Neither Homewood's financial document nor the BAE document provide information and analysis that meet the minimum criterion established in *Burger v. County of Mendocino*.**

The appeal contends the financial information provided by JMA and BAE does not meet the "minimum criterion" set forth in *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322. Staff disagrees that *Burger* establishes

specific "minimal criteria." Staff also believes the economic information provided to the Board meets legal standards for adopting findings regarding the economic feasibility of alternatives.

*Burger* involved a proposal to construct an 80-unit motel. The EIR concluded the project would result in "many adverse effects upon the environment." (45 Cal.App.3d at p. 325.) The EIR recommended approving a smaller, 64-unit, redesigned motel. The county board of supervisors nevertheless approved the 80-unit proposal. The county's findings did not explain the basis for this decision. The Court of Appeal ruled the county had not complied with CEQA, stating:

[T]here is no evidence to meet the mass of engineering and other data supporting the EIR. Counsel for the developer did state to the board that the alternative principally recommended by the EIR and the planning department was not feasible economically, and one witness assumed the same, although disclaiming any experience or expertise in that field. There is no estimate of income or expenditures, and thus no evidence that reduction of the motel from 80 to 64 units, or relocation of some units, would make the project unprofitable.

(45 Cal.App.3d at pp. 326-327.)

The appeal argues the *Burger* decision established a rule governing the comparative analysis that must be performed in order to determine whether a project is feasible. The decision does not establish such a rule. Rather, the decision holds that the board in that case did not have sufficient evidence to reject the 64-unit alternative, particularly in light of the EIR's conclusion that the 64-unit alternative would avoid many of the significant effects of the 80-unit proposal. The decision did not purport to adopt, and cannot be read to establish, a general rule regarding what information must be assembled in order to reject an alternative as economically infeasible.

Under CEQA, if an alternative achieves most of the basic objectives of the project, and is environmentally superior to the project as proposed, then the lead agency must adopt that alternative, unless the agency concludes that alternative is infeasible. (Pub. Resources Code, §§ 21002, 21002.1.) The agency may base its finding of infeasibility on a variety of grounds. Specifically, the agency may approve a project despite its significant effects if "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." (Pub. Resources Code, § 21081, subd. (a)(3).) "Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological

factors." (Pub. Resources Code, § 21061.1.) Thus, the finding of infeasibility may be based on economics, among other considerations. Infeasibility findings may also be based on legal, social or policy considerations. (See, e.g., *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957 [upholding rejection of environmentally superior alternative for policy reasons].)

The agency's conclusion that an alternative is economically infeasible will be upheld if that conclusion is supported by substantial evidence in the record. Many reported CEQA decisions address this issue. These decisions uniformly adopt the "substantial evidence" standard of review of an agency's findings regarding economic feasibility. (See, e.g., *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490; *City of Fremont v. San Francisco Bay Area Rapid Transit District* (1995) 34 Cal.App.4th 1780; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587.

These decisions do not establish specific rules regarding the information that an economic feasibility analysis must contain. Rather, the decisions hold that the analysis must consist of substantial evidence. Under the substantial evidence standard of review, the County's conclusion will be upheld if the record contains credible, substantial evidence supporting that conclusion. The findings will be upheld if they are supported by substantial evidence in the record. (Pub. Resources Code, § 21081.5; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508.)

In this case, the record before the County contains substantial evidence regarding economic issues faced by Homewood. The evidence establishes that Homewood's operating loss for the first four years of JMA's operation of the resort was approximately \$5 million. This loss does not allow for the need to raise capital in order to improve the ski resort. Nor does this loss take into account JMA's investment in the property. This loss is instead a byproduct of the fact that, from a cash flow perspective, Homewood loses an average of \$1 million per year based on its existing operation. This information is undisputed.

The County has received differing opinion regarding how to redevelop the site so that this operating loss is remedied. The appellants state the County should consider a reduced project consisting of approximately 224 units. The appellants have not submitted any information explaining why this alternative is economically feasible. Rather, the appellants have instead critiqued the information submitted by JMA and BAE. The appellants opine

that a 224-unit alternative is economically feasible (or, more accurately, that a 224-unit alternative has not been shown to be economically infeasible). JMA disputes this claim. JMA has provided its own analysis of why the project must include approximately 332 units in order to be financially feasible. The reports submitted by BAE support this view.

The Board of Supervisors has discretion to consider this evidence, and to reach a conclusion regarding the feasibility of Alternative 6 (and an alternative reduced even further, to 224 units). In staff's view, the evidence submitted to date contains substantial evidence supporting the finding that Alternative 6 is infeasible. The findings presented to the Board for its consideration reflect that view. Ultimately, the determination of the feasibility of alternatives must be made by the Board.

**e. Alternative 4 should not have been considered because it is infeasible under the current Regional Plan.**

The appeal contends Alternative 4 should not have been considered because it is infeasible under the current Regional Plan.

The "Regional Plan" is a plan adopted by the Tahoe Regional Planning Agency, rather than by Placer County. Thus, whether an alternative is consistent with the Regional Plan is not directly relevant to the County's consideration of the project.

In any event, whether an alternative is consistent with applicable land-use plans is a relevant consideration with respect to whether an alternative should be considered, but an alternative should not be eliminated from analysis merely because the alternative is inconsistent with applicable plans. The purpose of the alternatives analysis is to determine whether it is feasible to achieve the basic objectives of the project, while avoiding or substantially lessening the project's significant environmental effects. An alternative may be appropriate for analysis, even if the alternative is not consistent with applicable planning documents; rather, plan consistency is one factor among many to be considered. (CEQA Guidelines, § 15126.6, subd. (f)(1); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 573 ["the mere fact that an alternative may require a legislative enactment does not necessarily justify its exclusion from the EIR"].)

Moreover, although the appeal states Alternative 4 is infeasible under the current Regional Plan, it is unclear whether this statement is true. Under Alternative 4, Homewood would close, and lot-line adjustments would adjust the existing parcels to up to 16 estate residential lots and one commercial lot for sale to individual owners. The alternative is examined to consider the practical consequences of disapproving the project. As stated in the FEIR/EIS, "Alternative 4 is analyzed to disclose impacts associated with the

potential closure of the existing ski resort. HMR states that the ski resort closure is likely if a mixed-use redevelopment project is not approved that would help reverse the financial losses that HMR has seen since acquiring the resort." (FEIR/EIS, p. 3-59.) Available evidence indicates that the resort is currently experiencing operating losses of approximately \$1 million per year. Thus, the closure of the ski resort is a reasonably foreseeable consequence of not approving redevelopment of the site. It was therefore appropriate to include in the EIR/EIS a detailed analysis of this alternative.

Alternative 4 includes commercial uses of Lot 17, has frontage on State Route 89. Commercial uses are an authorized use on this lot. This lot is located in PAS 157. The commercial use of this lot would require the transfer of the commercial floor area from outside of the PAS. To accommodate transfer of commercial floor area to PAS 157, one PAS amendment would be required. (FEIR/EIS, p. 3-59.) With this amendment, Alternative 4 would be consistent with the Regional Plan.

Staff concludes the EIR/EIS appropriately included a detailed analysis of Alternative 4. The analysis will assist the Board in making an informed decision whether to approve the proposed project, or an alternative to the project.

**f. The County failed to select the environmentally superior feasible alternative.**

The appeal contends the County failed to select the environmentally superior feasible alternative.

The EIR/EIS concludes Alternative 6 is the environmentally superior alternative. (FEIR/EIS, p. 20-21 et seq.) In its findings, the Planning Commission agreed with this conclusion. (Findings, p. 29.) The Planning Commission rejected this alternative, however, based upon its determination that Alternative 6 would not meet project objectives and is infeasible. (*Ibid.*; see also FEIR/EIS, Master Response 3.)

The appeal appears to disagree with the conclusion that Alternative 6 is infeasible. Staff believes the record contains substantial evidence supporting the conclusion that Alternative 6 is infeasible. This issue is discussed in detail above.

**2. The County and TRPA Cannot Dismiss the Serious Noise Impacts That Will Result to The Project's Neighbors Over the Next Eight Years.**

Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding noise impacts that were not addressed in the DEIR/EIS or responses to comments provided in the FEIR/EIS. The appeal subdivides its noise comments into various sub-issues. Each noise sub-issue is discussed below.

**a. The Agencies' claim that no significant construction noise impacts will result to adjacent residents between 6 a.m. and 8 p.m. because the Project complies with the County's noise ordinance which exempts construction from the noise limits during the day simply defies reality.**

Appellants state the County fails to address or mitigate construction noise impacts between 6 a.m. and 8 p.m. because the Draft EIR/EIS threshold of significance for assessing construction noise impacts is based on the County's Noise Control Ordinance, which exempts daytime construction noise. This statement is incorrect. As explained in Final EIR/EIS, construction noise impacts, both daytime and nighttime, were evaluated in Impact NOI-1 of the Draft EIR/EIS. (Final EIR/EIS, Master Response 17; see also Final EIR/EIS, Response Comment 13a-52 and Final EIR/EIS, Chapter 13 (Noise) 13-22 through 13-26 (construction noise analysis).)

Construction noise impacts were evaluated based on Federal Transportation Administration construction noise data and standard sound attenuation factors. Because the specific construction equipment is not currently known, the construction noise analysis utilized a worst-case analysis, with the three loudest pieces of construction equipment that would be expected to be used operating concurrently over a one-hour period. (Final EIR/EIS, Master Response 17.)

The EIR/EIS further proposes mitigation that requires HMR to prepare a noise control plan that includes employing noise-reducing construction practices, including enclosing or shielding noise-generating equipment and locating equipment as far as practical from sensitive uses. (Final EIR/EIS, Chapter 13 (Noise) 13.26 (Mitigation Measure NOI-1c).) The mitigation measure further requires the noise control plan ensure compliance with County's Noise Control Ordinance and TRPA Code noise requirements. The noise control plan must be approved by the TRPA and Placer County prior to the issuance of a Grading Permit.

Subsection 9.36.030 (A)(9) of the Placer County Code states: "Construction (e.g., construction, alteration or repair activities) between the hours of six a.m. and eight p.m. Monday through Friday, and between the hours of eight a.m. and eight p. m. Saturday and Sunday" is exempt. This subsection further requires "that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order." (Placer County Code, § 9.36.030 (A)(9).) HMR is required to comply with the Noise Ordinance requirements (e.g. factory installed muffling devices) in order for the Project's construction noise to be exempt from the daytime noise level requirements. HMR is also required to comply with Mitigation Measure NOI-1c to ensure construction noise remains less than significant during daytime hours. The EIR/EIS concludes

that construction noise levels are less than significant based on Mitigation Measure NOI-1c as well as the Noise Ordinance exemption of daytime construction noise. As explained in the response for item 2.b below, the County's approach to construction noise is consistent with CEQA's requirements and reasonable given the nature of construction noise.

Appellants cite *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872 (*Oro Fino*) in support of their argument that the County failed to evaluate construction noise during daytime hours. In *Oro Fino*, the applicant challenged the County of El Dorado's determination that a negative declaration was inadequate and an EIR should have been prepared for a mining project. The county based its decision to prepare an EIR on testimony and letters from many area residents that the previous drilling operation had been noisy, and that complaints had been filed with the county. The court held that relevant personal observations of this sort were sufficient to support the county's decision to prepare an EIR. (*Id.* at p. 882.)

Here, unlike *Oro Fino*, the County prepared an EIR, and the EIR evaluates and discloses the Project's potential construction noise impacts. In addition, measures have been proposed to mitigate the project's construction noise impacts. The mitigation measures ensure construction noise levels do not exceed the County's Noise Control Ordinance and TRPA Code noise requirements as well as requiring HMR to develop a noise control plan that avoids noise sensitive receptors to the extent practical.

Finally, the County has reviewed Tom Barnebey's letter, which was attached to the Appeal. Mr. Barnebey states the EIR/EIS does not propose mitigation for daytime construction noise impacts due to the exemptions provided in the County's noise ordinance and TRPA Code of Ordinances. As described above, this statement is incorrect. Staff continues to believe construction noise is less than significant as mitigated based on the analysis in the EIR/EIS and substantial evidence in the record. Therefore, the County disagrees with Mr. Barnebey's suggestions that construction noise may be significant.

**b. CEQA preempts the County's effort to exempt construction noise from CEQA review via local ordinance.**

Appellants assert the EIR/EIS's construction noise analysis is flawed because the County relies on the County's noise ordinance exemption as the threshold of significance for daytime construction activities. Appellants state the County's noise ordinance is preempted by CEQA. This assertion is incorrect. Construction noise levels were quantified and evaluated against applicable County noise standards, which include the County's noise ordinance.

While Appellants assert that construction noise during daytime activities were not evaluated based on the exemption from the County's noise

ordinance, this is not the case as described in the response to item 2.a above. Consistent with CEQA, the EIR/EIS discloses construction noise levels, evaluates construction noise against the local noise standard (noise ordinance), and identifies mitigation to reduce construction noise levels and ensure that construction noise would meet a performance standard for consistency with the County's noise ordinance.

The EIR/EIS's analysis of construction impacts is based on consistency with the County's noise ordinance. The reason construction noise is less than significant during daytime hours is because the County's noise ordinance indicates that daytime construction activities are exempted, while nighttime activities would be subject to the noise limits established by the ordinance.

The CEQA Guidelines expressly provide authority for evaluating noise levels based on local general plans and ordinances. Question A from Section XII (Noise) of Appendix G of the State CEQA Guidelines states:

"Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or *noise ordinance*, or applicable standards of other agencies."

The County Ordinance exempts daytime construction noise due to the temporal nature of construction noise. Construction noise associated with the Project will occur at different locations throughout the project area and the noise level will vary depending on the nature of construction activities at any one time. The loudest construction activities (grading, excavation, etc.) would occur over a fraction of the total construction period for the given plan component and once the particular construction activity is completed, the associated noise would no longer be experienced by any affected receptors. Moreover, given the phased sequence of construction and the construction season for the project, construction noise is only expected to occur intermittently over the 8-year project construction period. The EIR/EIS fully evaluates and discloses the Project's potential construction noise impacts. The EIR/EIS concludes that daytime construction noise would be less than significant with implementation of Mitigation Measure NOI-1c based on the County's Noise Ordinance. The County has discretion under CEQA to find the impact is less than significant based on the analysis and mitigation provided in the EIR/EIS.

CEQA recognizes that the selection of significance thresholds by lead agencies involves the exercise of discretion. (CEQA Guidelines, § 15064.7; *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-336.) CEQA does not require the County to adopt a particular threshold concerning construction noise, or prohibit the County from using a threshold based on the Noise Ordinance. The County Noise Ordinance's approach to construction noise is not unusual

and consistent with other jurisdictions' CEQA practices. Other cities and counties have adopted noise ordinances that restrict when construction noise may be generated, but do not impose limits on construction noise itself; the restrictions in the noise ordinance are then used as significance thresholds for purposes of assessing in environmental documents whether construction noise will be significant. This was done, for example, by the City of Roseville for the Fiddymont Ranch EIR (2011) and Sacramento County for the Mercy San Juan Medical Center Final EIR (2007), both of which documents are available as public records.

**c. Incorrect distances result in inaccurate description of noise levels that will occur at nearest sensitive receptors.**

Appellants assert the construction noise analysis incorrectly estimates construction noise levels at noise sensitive land uses, as they may be located closer than the 50-foot distance presented in the FEIR/EIS.

Construction activities will generally occur more than 50 feet away from sensitive land uses. It is possible that, under some circumstances, noise sensitive land uses may be located closer than 50 feet. In that case, however, the impact determination would remain the same (less than significant), as Mitigation Measure NOI-1C establishes a performance standard to meet the County's noise level standards established in their noise ordinance and also identifies specific measures that may be implemented to meet this performance standard.

**d. Other operational noise levels cannot be the same as the current ski area as claimed.**

Appellants assert the FEIR/EIS does not quantify noise associated with HVAC systems, cooling towers/evaporative condensers, loading docks, lift stations, emergency generators, and outdoor public address systems.

As indicated in the FEIR/EIS, quantifying noise from these sources would be speculative, as the necessary information required to quantify noise levels and impacts from these sources (i.e., type/model of equipment, location relative to noise sensitive land uses, activity data, etc.) is currently unknown. However, Mitigation Measure NOI-3b was modified in the FEIR/EIS to address these potential noise sources and ensure that operational noise levels are reduced to a less than significant level. The mitigation measure establishes performance standards based on applicable County/TRPA noise limits and also identifies specific measures that may be implemented to meet these performance standards.

**e. The DEIS fails to apply a proper baseline to the analysis of operational noises.**

As explained in the Response to Comment 13a-17, Chapter 13, Section 13.4.7, pages 13-28 through 13-38 of the Draft EIR/EIS was modified to include an evaluation of impacts using both the existing baseline and cumulative impacts at full buildout of the Project. The revised analysis using an existing baseline indicates that traffic noise levels would increase by 0.4 dBA under the Project (Alternative 1A) as discussed in Master Response 16. Because existing noise levels are currently in excess of the PAS, any increase in noise, relative to existing conditions, would be significant because the standard is currently exceeded. Consequently, this impact was identified as significant in the Draft EIR/EIS. Mitigation Measure NOI-2 was identified in the DEIR/DEIS to reduce project related traffic noise to less than significant. Please see Master Response 16, which discusses the changes to Mitigation Measure NOI-2 to address potential operational noise sources. (Final EIR/EIS, Chapter 23, Response to Comment 13a-17.)

See also response for item 2.d.

**f. The DEIS fails to discuss amplification and echoing of noise from project's proximity to mountain.**

See response for item 3.b and Final EIR/EIS, Response to Comment 13a-55.

**3. The EIR's Descriptions of Numerous Aspects of the Project are Inadequate to Evaluate the Effects of the Project.**

Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding project components that were not addressed in the DEIR/EIS or responses to comments provided in the FEIR/EIS. The appeal subdivides its project description comments into various sub-issues. Each project description sub-issue is discussed below.

**a. The DEIR/DEIS fails to accurately describe the Project's road usage related to transport of fill.**

For Alternative 1A, 138,500 cubic yards of cut material will be generated and approximately 169,000 cubic yards (i.e., 67,000 cubic yards for proposed structures and up to 102,000 cubic yards for onsite roadway restoration) of fill material will be used within the Project area for projects identified in Chapter 3. There is a net deficit of fill material for Alternative 1A and thus only material determined by geotechnical engineering evaluations as unfit for fill material will require off-site disposal to an approved receiving site. Excavations for Gondola tower footings will result in up to an additional 378 cubic yards depending on tower locations. (Final EIR/EIS, Chapter 14, at p. 14-76.)

The FEIR/EIS studies the potential impacts of transporting excavated material that will not be used during project construction to offsite locations. In order to reduce truck traffic on offsite roadways, the FEIR/EIS also considers an alternative to the offsite disposal of excess fill material. (Final EIR/EIS, Response to Comment 13a-34.) The FEIR/EIS identifies onsite restoration sites that could utilize the excess fill material (Final EIR/EIS, Chapter 3, Figure 3-12). Should this option be considered, exiting onsite roadways would be used to transport the material to the restoration site and no new roadway construction would be required.

**b. The description of the Amphitheater's proposed use is inadequate.**

Appellants assert that the FEIR/EIS does not provide information about how many events will be held at the facility, whether or not the events will include amplified music or other loud events, how many events will be held, operating hours, etc. This assertion is incorrect. The EIR's description of the Amphitheater is consistent with CEQA's requirements as described herein.

The FEIR/EIS does not present information about the number of events because such information would be speculative, as specific events have not been scheduled for a facility that has not been constructed.

The FEIR/EIS does assume that certain events will be amplified. For example the on-going Lake Tahoe Music Festival that has been held on the HMR property intermittently over the last 29 years (last held at HMR in 2008). The festival is typically held in July and August. The Lake Tahoe Presidential Forum was held in August 2011. Given climatic constraints it can be assumed that outdoor concerts and events would be held during the months of June through October, weather depending. Both of these example events amplified music and/or voice and were held within Placer County's permissible daytime amplified noise hours.

The operating hours for these reoccurring events and future events will be required to conform to Placer County noise ordinances, which restricts daytime amplified noise to the hours of 7 am to 10 pm. Appellants are referred to Article 9.36 in the Placer County Code and also the TRPA Code of Ordinances Chapter 23 that establishes noise limitations for areas within TRPA's jurisdiction.

The Project places structures between amplified noise sources and existing residences on Sacramento Avenue for acoustical shielding, but because specific information concerning the type and number of events and degree of amplification are unknown and the amphitheater is determined to have significant noise impacts to proposed residential townhomes along Tahoe Ski Bowl Way, the FEIR/EIS includes a mitigation measure, NOI-3b (*Implement*

*design and operational measures at the amphitheater to ensure compliance with adjacent Plan Area Statement CNEL limits at existing residences), specific to the amphitheater and its functions. The mitigation measure requires HMR to control noise levels to meet TRPA CNEL standards for adjacent plan areas.*

**c. The EIR does not contain an adequate description of summer operations.**

Appellants assert that the FEIR/EIS does not contain an adequate description of summer operations, specifically indicating that zero (0) Summer Day Use People at One time (PAOTs) are identified.

PAOTs are regulated under TRPA's Code of Ordinances, rather than under Placer County land use policies. For this reason, this claim is not relevant to Placer County.

In addition, Appellants incorrectly conclude that because the project area will be used as a year-round facility including summer months that TRPA PAOTs must be allocated to accommodate the "expected intensity of summer operations" (Appellants' comment term).

As discussed in FEIR/EIS Chapter 18 (Recreation), the Project will increase recreation opportunities within the project area but because the Project proposed no new recreation uses that are defined as Developed Recreation by the TRPA Code of Ordinances, winter day-use PAOTs will remain unchanged and proposed summer operations will require no summer day-use PAOTs.

New summer operations are proposed at the mid-mountain area; however, these uses do not require allocation of TRPA PAOTs. The West Shore Bike Trail connection extends an existing use. Hiking, which is also an existing use, will continue, and would through the Project become officially permitted along five miles of existing onsite roads. Proposed summer uses are dispersed recreation that does not require TRPA PAOTs.

As explained in response to comment 13a-65 in the FEIR/EIS, Summer PAOTs are not required, as the Project does not propose facilities that require summer PAOTs, which are limited to marinas, campgrounds, and public trailheads on public lands. PAOTs are not required for swimming pools, gondolas, or trails not located on state or federal land.

**d. The EIR does not contain a description of the access road upgrade between the Base areas and mid-mountain lodge.**

Appellants assert that responses did not specifically name and identify the existing access roadway that would be used to access the proposed mid-

mountain lodge during construction and operations. The existing on mountain roadways are shown in Figure 3-12 and are included in Civil Plan sheets included in the project record and available at TRPA and County planning offices.

Appellants assert that the FEIR/EIS reliance on undisclosed "Civil Plan Sheets" is contrary to CEQA. This assertion is incorrect. Civil Plan Sheets detailing the Project are and have been part of the project record and available for viewing at the TRPA front desk and at Placer County Offices since the publication of the Notice of Preparation. As the project has evolved these plan sets have been updated for agency staff and the public to review.

The FEIR/EIS presents a number of civil plan sheets from the civil plan set throughout the document. Specific to the mid-mountain lodge access road, the commenter is referred to Figure 15-14, which is Civil Plan Sheet C18 presenting the stormwater treatment systems at the mid-mountain and the extent of grading for the new extension of the existing access road that were referenced for associated analysis of this proposed portion. The remainder of the access road to the mid-mountain area is existing and is subject to existing Placer County standard best management practices and regulatory compliance measures to prevent erosion and runoff.

The May 2011 Civil Plan Set representing Alternative 1 and the July 2011 supplemental Civil Plan Set representing Alternative 1A are currently available for public and agency review at the TRPA front desk and the Placer County planning offices.

**e. The EIR fails to disclose adequately the snowmaking guns component.**

Appellants state the FEIR/EIS does not adequately disclose the snowmaking guns component. This assertion is correct based on CEQA project-level analysis requirements. However, the snowmaking expansion is a programmatic-level component of the Ski Area Master Plan, as listed in Table 3-4 of the FEIR/EIS. Programmatic-level components will not be constructed until additional environmental analysis and review is completed when the improvements are proposed for implementation. As described in FEIR/EIS Master Response 21, for the infrastructure required to meet the proposed Project's snowmaking demands, further environmental analysis will be performed at a future date since this project component has been addressed in the FEIR/EIS at a programmatic level only.

A draft Snowmaking Plan (SMI 2010) is available for review as part of the project record, which describes the ski runs that will have snowmaking added and the associated utility locations associated with snowmaking expansion.

**f. The coverage numbers used in the EIR's project description and analyses are wrong.**

Appellants state land coverage numbers used in the FEIR/EIS project description and analysis are wrong based on citation of a number of attached maps and figures.

This issue relates to regulatory requirements adopted by TRPA in its Code of Ordinances. Land coverage is not regulated by the County General Plan or zoning ordinance. The physical environmental effects associated with land coverage -- water quality, aesthetics, etc. -- are considered "impacts" for CEQA purposes, and are relevant to the County's decision-making process. The EIR/EIS analyzes such impacts. Based on that analysis, the Project improves water quality and aesthetics as compared to existing physical conditions.

TRPA is reviewing the land coverage verification files referenced in the EIR/EIS to confirm that existing land coverage numbers reported in the EIR/EIS are accurate. One of the onsite roadways (a portion of Rainbow Ridge) may not have been constructed before 1972, but is reported by HMR to have been included in approved expansion plans proposed by the owners in 1972-1973. If agency files do not include evidence of approval for the roadway extension then HMR shall identify an alternative onsite roadway(s) equal to or greater in size to the portion of roadway in question for restoration and banking. Under this scenario, the HMR Master Plan goal of restoring up to 500,000 square feet of verified land coverage associated with onsite roadways would be unchanged - only the location of the proposed restoration would change. The land coverage reductions and percentages reported in the EIR/EIS would not change.

**g. The EIR fails to disclose the energy generation components in sufficient detail.**

Solar and hydro power generation is mentioned as a potential future energy source for the project area in the HMR Master Plan. However, because detailed information was not provided about their development and operation, these project components are not part of the descriptions for project Alternatives 1, 1A, 3, 4, 5 or 6 and are not analyzed in the FEIR/EIS. Environmental analysis in the FEIR/EIS does not consider the implementation of such power generation in the resource impact analysis or include such energy sources as mitigation to offset potential project impacts. Actions regarding development of such energy generation mentioned in the HMR Master Plan would require separate environmental analysis at the time of proposals.

The Project Applicant could also pursue solar and hydro power generation under Alternative 2, the No Project. This action would require future, separate environmental analysis in support of proposals.

**4. The FEIR Improperly Piece meals the Analysis of the Whole Project and Fails to Analyze the Impacts of Important Project Components.**

Lozeau Drury's October 12, 2011, letter does not raise new issues regarding project components and analysis that need to be addressed that have not already been addressed in the FEIR/EIS.

The FEIR/EIS includes both project-specific and program-level analysis. The FEIR/EIS identifies those project components that are analyzed at a project level, and those components that are analyzed at a program level. (See FEIR/EIS, Table 3-4.) As this table shows, most project components are analyzed at a project level. Those components that are analyzed at a program level are not ignored; rather, they are described and analyzed in the FEIR/EIS, but at a lesser level of detail. The reason is that the applicant has not submitted detailed plans for those project components that are analyzed at a program level. For these components, detailed plans will be submitted in the future. At the time detailed designs are submitted, the County will perform project-level analysis in accordance with CEQA. (See CEQA Guidelines, § 15168, subd. (c).)

CEQA does not prohibit the inclusion of both project-specific and programmatic elements in a single EIR. The Courts have upheld EIRs that describe some project component at a greater level of detail than other project components. Under such circumstances, the issue is instead whether the EIR contains a description of the project that encompasses all the project components, and provides enough information for the decision-maker with enough information about the impacts of the project. (See, e.g., *California Oak Foundation v. Regents of the University of California* (2010) 188 Cal.App.4th 227, 268-272.) Under CEQA, it is appropriate that program-level components be analyzed at a more general level, with second-tier review performed as specific, project-level plans are developed. (*In re Bay Delta* (2008) 43 Cal.4th 1143, 1169-1177.)

**a. The newly identified access road location must be evaluated now, not in the future.**

The extension of Tahoe Ski Bowl Way and an emergency vehicle access roadway for the Townhomes is proposed as a Phase 2 project component and is correctly identified as a programmatic-level project component in FEIR/EIS Table 3-17. Phase 2 project components will require further environmental analysis at a future date since this project component has been addressed in the FEIR/EIS at a programmatic-level only.

**b. The new off-site vehicle maintenance and storage facility must be described in more detail and its impacts evaluated now.**

The Project proposed to utilize a nearby existing commercial facility for maintenance and storage of rubber tired vehicles with no change to existing uses, site conditions or TRPA land coverage that would necessitate additional analysis for CEQA, TRPA or Placer County.

**c. Off-site parking and its potential impacts have not been identified.**

The mitigation (Mitigation Measure TRANS-2, page 10-65) identified in the FEIS/EIR states:

"If additional environmental impacts, other than those already identified, analyzed, and mitigated (if necessary) as part of this EIR/EIS are created as a result of any of the proposed on-site or off-site parking areas or shuttle service operations, the Improvement Plans shall not be approved until subsequent environmental review has been completed.

Timing/Implementation: An agreement between the County, TRPA and the Project Applicant to implement the Parking Management Program, along with the detailed plan, shall be signed before Improvement Plans for any and each subsequent project phase are approved."

In other words, the Project will not be constructed until the Parking Management Plan is developed and approved, and the applicant is obligated to implement the Plan. Further, the mitigation measure sets performance criteria (e.g., parking is close to SR 89, parking is paved with BMPs, etc.) that are required to be considered for off-site parking locations to ensure that selected locations will not create significant impacts.

Potential locations where off-site parking may be provided have been identified. This inventory of potential sites indicates that the reservoir of existing off-site parking is more than sufficient to meet the Project's needs. The Applicant will be required to negotiate with the owners/operators of these sites in order to secure access, and to set forth the details in the Parking Management Plan. From the Applicant's perspective, it is important to maintain the ability to negotiate with a number of owners/operators, or the Applicant will have insufficient flexibility to negotiate reasonable terms to secure access. From an environmental perspective, the key issue is establishing that the reservoir of existing off-site facilities is adequate. The record indicates the reservoir is adequate.

**5. The EIR Continues to Defer Mitigation of Numerous Significant Impacts.**

Appellants' October 12, 2011, comment letter does not raise any potential new issues regarding mitigations that were not addressed in the DEIR/EIS or responses to comments provided in the FEIR/EIS. FEIR/EIS Master Response 20 discusses the issue of deferred mitigation and how the mitigation measures identified for the Project alternatives meet CEQA Guidelines §15126.4 and TRPA Code of Ordinances Section 5.8.B(5).

As addressed in FEIR/EIS Master Response 20, while CEQA Guidelines §15126.4 specifically forbid the deferral of mitigation measures to a later date, it states "mitigation measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." Certain mitigation measures in the DEIR/EIS require the preparation of reports or plans at a later date, and incorporate the specific recommendations of those reports into the construction plans prior to commencement of construction activities. Examples of these situations include preparation of a Homewood Employee/Workforce Housing Plan (Mitigation Measure PEH-1) and development of plans for off-site parking, if necessary (Revised Mitigation Measure TRANS-2).

The measures described above do not "defer" mitigation to a later date because: 1) the mitigation measures in the DEIR/EIS specify certain performance standards that must be met by both the mitigation measures and the required studies, 2) these mitigation measures are adequate to reduce impacts to a less-than-significant level, and 3) the record indicates that it is feasible to meet these performance standards. Further, any mitigation measures in the DEIR/EIS requiring the preparation of plans and/or programs designed to meet local, State or federal regulations does not defer mitigation to a later date because compliance with the applicable regulatory scheme ensures that the Project will comply with the identified performance standards.

**a. The EIR improperly defers mitigation of the amphitheater's noise impacts.**

See response for item 3.b.

**b. The EIR defers establishing mitigation for the Project's significant traffic noise.**

See response for items 2.d and 2.e.

**c. The EIR defers mitigation to address noise from proposed expansion of snowmaking guns.**

Appellants assert the FEIR/EIS defers mitigation for the amphitheater, traffic, and snowmaking.

The mitigation identified in the FEIR/EIS establishes performance standards based on applicable County/TRPA noise limits and also identifies specific measures that may be implemented to meet these performance standards.

While Appellants also have concerns regarding the feasibility of the identified measures, these measures are simply examples of feasible measures that may be included in noise control plans specified in the FEIS mitigation measures to ensure the established performance standards are met.

Appellants also assert that the FEIR/EIS does not include the locations of additional snow guns from Phase 2. This is correct, because this level of detail is currently unavailable and the snowmaking plan noise analysis is programmatic, as indicated in the FEIR/EIS.

**d. The EIR continues to defer identifying the mitigation for groundwater impacts at the North Base.**

Appellants continue to identify NORTH-4 as a groundwater mitigation measure. This identification is incorrect. As explained in the response to comments on the DEIR/EIS, NORTH-4 is a stormwater treatment gallery.

The commenter should note that the TRPA Code (Subsection 25.5.A(1)) requires a separation of 12 inches or 1 foot from the bottom of basin (in the Project's case this is an underground gallery) to seasonal high groundwater. Therefore, the stormwater treatment gallery is in compliance with the TRPA Code. However, because of the project area's proximity to Lake Tahoe, TRPA staff conditioned the Soils Hydrologic approval to increase this required separation to 24 inches or 2-feet. To comply with this condition for permitting NORTH-4 will be redesigned to change the length to depth dimensions to meet this condition or be replaced with a treatment system of equal or great performance standards but with a more compact configuration.

As described in Impact HYDRO-3, stormwater (NORTH-1, 2, 3 and 4) and reinjected groundwater (NORTH-5 and 6) systems will not intermix. The quality of the groundwater that is intercepted will not be altered, as the groundwater will not be daylighted, is not intermixed with stormwater runoff and is re-infiltrated/injected into the same groundwater system down gradient. The EIR/EIS analysis identifies less than significant impacts to groundwater quality. The potential impact identified in IMPACT HYDRO-3 concerns groundwater movement, as altered through interception by proposed underground parking structures.

The commenter and Mr. Hagemann incorrectly ascertain that the redesign of a stormwater treatment gallery (NORTH-4) to increase separation of bottom of basin to seasonal high groundwater will impact groundwater when the

overall stormwater treatment system effectiveness (i.e., three part removal of pollutants as described in Impact HYDRO-2) will not be compromised. Mr. Hagemann presents his opinion without presenting substantial evidence to support such opinion. Again, analyses of stormwater treatment and groundwater are presented in Impacts HYDRO-2 and HYDRO-3. These analyses are by their very nature complex and have been supported by not only meaningful information but with site-specific data, site-specific modeling exercises and industry performance standards of the systems proposed as part of the Project and required as mitigation measures. The commenters also fail to acknowledge the proposed stormwater treatment systems are designed and sized to treat in excess of the required stormwater runoff volumes (i.e. TRPA 20-yr, 1-hr design storm). Under a scenario of mere regulatory compliance, NORTH-4 would not require redesign to meet proposed permit conditions. The commenters also fail to acknowledge the analysis presented in HYDRO-1, which concludes not only will the Project comply with TRPA and Lahontan water quality objectives but that it will result in substantial improvements over existing surface water quality in the project area.

**e. The EIR Still Defers Mitigation of Water Supply Impacts.**

See response above to item 5 regarding mitigation measures and performance standards. See FEIR/EIS Master Response 21 in Chapter 23.

The revised HMR Water Supply Assessment and IMPACT PSU-1 included in the FEIR/EIS describe various alternatives for procuring adequate water supply. The water purveyors, TCPUD and MCWC, have confirmed the adequacy of the water supply identified in the FEIR/EIS, but have determined that water distribution and storage facilities are required and must be wholly or partially financed by the Project Applicant. The ability/inability to distribute and store water is not the same as the ability/inability to supply water. The information in the Water Supply Assessment incorporates information provided by TCPUD, and TCPUD has indicated that the assessment is appropriate. To clarify that the Project does not overburden the existing water system, the FEIR/EIS further requires "will-serve" letters be obtained from TCPUD and/or MCWC prior to project permitting. This requirement is one of a number of actions that must be carried out under Mitigation Measure PSU-1a.

**f. The EIR defers mitigation of impacts resulting from the lack of adequate parking on peak days at the Resort.**

Appellants assert that a Parking Management Plan created to mitigate potential parking impacts is inadequate.

The mitigation (TRANS-2, page 10-65) identified in the FEIS/EIR states:

"The project applicant shall implement a winter and summer Parking Management Plan to ensure adequate parking is available both during construction and post-construction. The Plan shall be reviewed and approved by the Development Review Committee (DRC) prior to Improvement Plan approval for any and each subsequent project phase... This plan shall be approved by the County and the TRPA with each project phase and will ensure that adequate parking and shuttle service operations are maintained in order to accommodate the required off-site peak ski day parking.

If additional environmental impacts, other than those already identified, analyzed, and mitigated (if necessary) as part of this EIR/EIS are created as a result of any of the proposed on-site or off-site parking areas or shuttle service operations, the Improvement Plans shall not be approved until subsequent environmental review has been completed.

Timing / Implementation: An agreement between the County, TRPA and the Project Applicant to implement the Parking Management Program, along with the detailed plan, shall be signed before Improvement Plans for any and each subsequent project phase are approved."

In other words, the Project will not be constructed until the Parking Management Plan is developed and approved, and the Project Applicant is obligated to implement the Plan.

Please see the response for item 4.c.

**6. The DEIS's Analysis of Significant Impacts Resulting From Inconsistencies With the Current Regional Plan, Code of Ordinances, and Plan Area Statements is circular and Relies Upon an Illegal Baseline.**

See Master Response 4 in the FEIR/EIS Chapter 23. The DEIR/EIS concludes that "inconsistencies" with the TRPA Code and Plan Area Statements are not significant environmental impacts themselves. Where inconsistencies are identified, the Project includes proposed Plan amendments. To the extent that the proposed Code and Plan Area Statements amendments would result in direct or indirect physical environmental effects, the DEIR/EIS addressed such effects for the Project. Therefore, no further mitigation is required as explained in the DEIR/EIS, particularly Chapters 3, 6 and 10. This same analysis would apply to proposed amendments to Placer County policies and plans.

**7. The DEIS's Traffic Analysis is Flawed and Not Supported by Substantial Evidence.**

Please see Master Response 9 in FEIR/EIS Chapter 23 provided in response to comments on the DEIS/EIR. Master Response 9 refers to the technical adequacy of the traffic analysis and provides the qualifications of the traffic consultant. Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding traffic and circulation.

**8. The DEIS's Analysis of the Project's Parking Impacts is Inadequate and Fails to Disclose and Mitigate All of the Potential Parking Impacts Associated with the Project.**

Please see Master Response 12 in Chapter 23 of the FEIR/EIS provided in response to comments on the DEIS/EIR. Master Response 12 responds to comments questioning the selection of the peak period used for the parking analysis and the methods used to calculate parking demand. Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding parking demand or supply. Please see the response for issue 4.c.

**9. The DEIR's Analysis of Water Quality is Inadequate.**

Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding water quality analysis.

- a. **The DEIS fails to adequately address the impacts to groundwater that will result from the location of the proposed stormwater infiltration galleries.**

See response for item 5.d.

- b. **The DEIS improperly defers determining mitigation of the infiltration galleries' impacts on groundwater until the future.**

See response for item 5.d.

- c. **The DEIS general description of possible treatment chambers for re-routing groundwater will not assure compliance with TRPA and RWQCB numeric standards.**

See response for item 5.d.

**10. The DEIS's Analysis of Impacts to the Water Supply is Deficient and Improperly Defers Mitigation.**

See response for item 5.e.

**11. The DEIS Improperly Dismisses the Significance of Inconsistencies Between the Proposed Project and TRPA and County Land Use Regulations.**

**a. The DEIS Fails to Adequately Analysis Inconsistences between Existing Land Uses and the Proposed Project.**

The DEIR/EIS analyzes the project's consistency with land use in Chapter 6, Land Use. The Project is evaluated for consistency with existing area land uses, which is part of the discussion in Impact LU-1 and the permissible uses included in Plan Area Statements (included in the first topic of discussion in Impact LU-2). TRPA and County regulations do not require a project to be limited to the land uses that are existing or were previously onsite. Rather a project must be consistent with the uses allowed in the Plan Area. The addition of multi-family residential units proposed in the Plan Area amendments was determined to be consistent with adjacent land uses because of its residential nature.

**b. The DEIR Fails to Evaluate the Full Regional Impacts of its Proposed Amendment to the Code of Ordinances TAU Provisions Allowing Additional TAUs in Ski Area Master Plans.**

See Master Response 5 in the FEIR/EIS Chapter 23. Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding the proposed amendments that would allow TAUs to be transferred to ski area master plans.

In addition, TAUs pertain to regulatory requirements adopted by TRPA in its Code of Ordinances. TAUs are not regulated by the County General Plan or zoning ordinance.

**c. The DEIS Does Not Adequately Analyze the Impacts of Transferring TAUs from the North Shore Community Plan.**

See Master Response 5 in the FEIR/EIS Chapter 23. Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding the transfer of TAUs from the North Stateline Community Plan.

In addition, TAUs pertain to regulatory requirements adopted by TRPA in its Code of Ordinances. TAUs are not regulated by the County General Plan or zoning ordinance.

**12. The DEIS's Discussion of Earthquake Risk Misrepresents the Risks Associated With the Faults Running through the Project site.**

See responses below for items 13 and 17.

**13. The FEIR's Response to Dr. Gath's and FOWS' Fault Hazard Comments is Not Responsive.**

Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding fault hazard that were not addressed in the DEIR/EIS or responses to comments provided in the FEIR/EIS.

Appellants' comments on the fault hazards are addressed in FEIR/EIS response to comments 13a-58, 13a-59, 13a-60. The comments on the DEIR/EIS applicable to fault hazard and Dr. Gath's professional opinion statement were reviewed by Holdrege and Kull, the preparers of the geotechnical engineering reports for the North Base and Mid-Mountain Base Areas. Jake Hudson submitted a response for the project record. Mr. Hudson's responses were summarized in the FEIR/EIS response to comment 13a-59 in Chapter 23. The full letter is provided below for the record.



Project No. 41278-03  
July 21, 2011

Hauge Brueck Associates  
310 Dorla Court, Suite 209  
Zephyr Cove, NV 89448

Attention: Melanie Greene

**Reference:** *North Base Lodge*  
Homewood Mountain Resort  
Homewood/Placer County, California

**Subject:** *Geologic Review of Potential Faulting Hazard for Homewood Mountain Resort*

Holdrege & Kull prepared geotechnical engineering reports for both the proposed Mid-Mountain Lodge and North Base Lodge to be constructed at Homewood Mountain Resort in Placer County, California. Kleinfelder, Inc. prepared a "Geologic Hazards and Preliminary Geotechnical Evaluation Homewood Mountain Resort Homewood, California". The proposed project will involve redevelopment and expansion of the existing Homewood base area (North Base Lodge) including a mixed use of residential and commercial development, a hotel lodge and skier services building, residential condominiums, a parking structure, and workforce housing. This letter is in response to comments by Eldon Gath of Earth Consultants International concerning analysis of potential faulting hazards in the Draft Environmental Impact Report for the Homewood project. Mr. Gath reviewed and commented on the geotechnical investigation reports, but did not review the geologic hazards report.

The purpose of the geotechnical engineering reports prepared for the project are to explore and evaluate site specific subsurface conditions at the building sites and provide recommendations for the design and construction of structures and site infrastructure. The purpose of the geologic hazards report was to identify and assess potential hazards associated with potential geologic events and processes at the site. Kleinfelder's report was prepared in accordance with the California Board for Geologists and Geophysicists (Board) Geologic Guidelines for Earthquake and/or Fault Hazard Reports, the Board Guidelines for Engineering Geologic Reports, California Geological Survey (CGS) Special Publication 42 (Fault-Rupture Hazard Zones in California), and CGS Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic

Hazards). It is unfortunate that a prominent engineering geologist, such as Eldon Gath, would not distinguish between the two types of reports and not review the report that specifically addresses geologic hazards such as faulting.

However to address the specific concern, the potential risk of fault rupture is based on the concept of recency and recurrence. The more recently a particular fault has ruptured, the more likely it will rupture again. The California State Mining and Geology Board define an "active fault" as one that has had surface displacement within the past 11,000 years (Holocene). Potentially active faults are defined as those that have ruptured between 11,000 and 1.6 million years before the present (Quaternary). Faults are generally considered inactive if there is no evidence of displacement during the Quaternary. Two Quaternary-age faults are mapped crossing the Homewood site. No specific age dating of the activity of these faults has been performed. The faults are considered potentially active. There is no known evidence indicating the faults have recently ruptured, however the faults could be active. The mapped faults do not cross the proposed development at the North Base and Mid-Mountain Lodge.

The potential hazard associated with earthquake faults involves surface rupture and strong ground motion. The proposed structures at the North Base will be located approximately 300 feet east of the mapped fault trace. The Mid-Mountain structures will be located approximately 700 feet to the west of the mapped fault trace. The westernmost structures of the South Base Lodge appear to be located within the mapped fault trace. The potential for surface fault rupture at the North Base and Mid-Mountain Lodges is low. It is our professional opinion that building set back distances at the Mid-Mountain and North Base Lodges from the unnamed faults are not warranted and no further study is necessary. As stated in Kleinfelder's geologic hazards report, prior to the actual siting of planned buildings at the South Base Lodge, additional site investigation should be performed to investigate the location and help evaluate the potential activity of the Unnamed Fault 2. Buildings should not be constructed over or immediately adjacent to an active fault trace.

The hazard associated with strong ground motion caused by earthquakes is predominately dependent on the performance of the building structures. Modern structures designed and built in accordance with modern building codes have been proven to perform very well in large earthquakes. All structures are required to be designed and constructed in accordance with the California Building Code and the American Society of Civil Engineers Minimum Design Loads for Buildings and Other Structures (ASCE Standard 7). New buildings constructed at the site are designed to perform well and be safe in the event of a large earthquake.

Similar to most of California and Nevada, there are several known active and potentially active faults located near the project site. The Dog Valley Fault, the Polaris Fault, the

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West Tahoe – Dollar Point fault, the Incline Village fault and the North Tahoe Fault are believed to be active faults. The Genoa Fault trends in a north-south direction approximately 18 miles east of the site and is an active fault capable of very large earthquakes. Earthquakes associated with these faults may cause strong ground shaking at the project site. All structures will be designed for potential earthquakes generated on these faults and/or the apparent unnamed faults at or near Homewood.

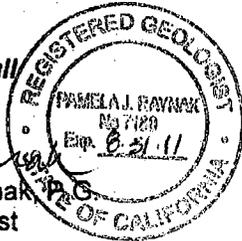
**Conclusions**

Based on our findings, our professional opinion is that the site is suitable for the proposed development and there are no geologic constraints that would preclude project development. As previously stated, prior to final site design in the South Base Lodge area, a site specific fault investigation should be performed to investigate the location and help evaluate the potential activity of the Unnamed Fault 2. Buildings should not be constructed over or immediately adjacent to an active fault trace.

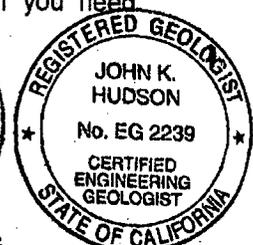
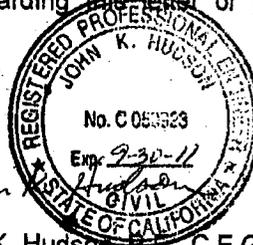
Please contact us if you have any questions regarding this letter or if you need additional information.

Sincerely,  
**Holdrege & Kull**

  
Pamela J. Raynak, P.G.  
Project Geologist



  
John K. Hudson, P.E., C.E.G.  
Senior Engineer



**Holdrege & Kull**

**14. EIR Fails to Evaluate Impacts of the 142 to 196 Truck Trips Per Day on Dirt Roads to and From Fill Deposit Locations Located Throughout the Mountain Side.**

See response above for item 3.a.

**15. The DEIS's Discussion of Impacts to Scenic Vista and TRPA's Scenic Threshold is Inadequate.**

Impacts to scenic resources are provided in FEIR/EIS Chapter 10. Detailed analysis of the Project on TRPA's scenic thresholds is provided in Impacts SCENIC-1 and SCENIC-2. Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding scenic impacts.

**16. The FEIR Fails to Respond to Many of Tom Brohard, P.E.'s Comments Regarding the Project's Traffic and Parking Impacts.**

Appellants assert that Mr. Brohard's comments on the traffic and parking analysis in the DEIS/EIR were not adequately addressed in the FEIS/EIR.

Responses were provided for Mr. Brohard's comments on the DEIS/EIR regarding the following issues:

- Time of year in which the traffic volume data was collected.
- Friday PM peak hour traffic analysis vs. Saturday peak hour analysis.
- Resort Hotel trip generation rate vs. Hotel or Condo trip generation rate.
- Resort Hotel trip generation.

The following responses address additional comments provided by Mr. Brohard as part of Appellants' October 12, 2011 letter:

- *The Hotel trip generation rate per occupied room is based on only 3 studies, therefore the Resort Hotel trip generation rate based on 1 study should not be dismissed.*

Response: ITE recommends that trip generation rates be supported by a minimum of 3 sample data sets. The Resort Hotel rate is only supported by one data set and should not be used if other Hotel data is available.

- *Traffic volumes in Big Bear Lake are higher on Saturday than Friday. Saturday analysis should have been performed.*

Response: The TRPA conducts traffic analyses for the Friday PM peak hour because traffic volumes in the Lake Tahoe Basin are typically highest during this time period.

- *Based on review of Google Earth aerials, adequate off-site parking is not available along the SR 89 corridor and in existing parking lots. Church parking lots will not be available on weekends.*

Response: The mitigation TRANS-2 identified in the FEIS/EIR states that the Parking Management Plan shall be approved by the County and the TRPA with each project phase and will ensure that adequate parking and shuttle service operations are maintained in order to accommodate the required off-site peak ski day parking. Off-site parking spaces will be identified as part of the Parking Management Plan which will be approved prior to construction of the Project. The information provided to the County indicates that there is a sufficient reservoir of available off-site parking. Please see the response to item 4.c.

- *The EIS must disclose the location and number of potential parking spaces to determine if sufficient off-site parking is available.*

Response: The mitigation TRANS-2 identified in the Final EIS/EIR states that the Parking Management Plan shall be approved by the County and the TRPA with each project phase and will ensure that adequate parking and shuttle service operations are maintained in order to accommodate the required off-site peak ski day parking." Off-site parking spaces will be identified as part of the Parking Management Plan, which will be approved prior to construction of the Project. General commercial, church, and recreational sites with potential suitability for providing off-site parking on peak winter days were reviewed by agency staff in writing Mitigation Measure TRANS-2 to determine that adequate locations and numbers of spaces can reasonably be arranged by HMR. The information provided to the County indicates that there is a sufficient reservoir of available off-site parking. Please see the response to item 4.c.

**17. The EIR must be recirculated based on Dr. Gath's Supplemental comment and new information regarding risks of active faults that may be present in the Project Area.**

Appellants' October 12, 2011 comment letter does not raise any potential new issues regarding fault hazards.

Appellants assert that the FEIR/EIS must be recirculated because of the publication of a scientific paper on the Polaris Fault located in Truckee, California. The assertion that the FEIR/EIS must be recirculated based on the publication by L.E. Hunter et al. (2011) is false. The FOWS supplemental comment and information does not alter the FEIR/EIS impact determination of *Significant* for Impact GEO-1. Dr. Garth ascertains that the new information published concerning the Polaris fault increases

the severity of the significant impact. The risk of active faults and potentially active faults has been disclosed in the FEIR/EIS and adequately addressed through Project design and set backs and required mitigation measures to reduce such risks to public health and safety from seismic hazards to a level of less than significant. The new study concerning the Polaris fault in Truckee California does not change, but lends additional support to, the current and existing regulations and building codes pertaining to seismic hazard zones throughout the Truckee-Tahoe region. As for any site in the region located in proximity of a fault the same criteria apply: 1) no building shall be constructed within 50 feet or on top of an active fault trace; and 2) design and construction of structures in accordance with the code requirements for the site ground motion (shaking). These along with a number of other site-specific engineering measures have been identified in the geotechnical engineering reports for the North Base and the Mid-Mountain areas. Prior to construction of the South Base area during Phase 2 (i.e. programmatic-level components) a site-specific geotechnical engineering report shall be prepared for this area, as required by Placer County standard Mitigation Measure GEO-1 identified in the FEIR/EIS.

Recirculation is unwarranted and not supported by Appellants' comments per CEQA Guideline 15088.5(a) and 15088.5(b).

**18. The DEIS's Proposed Statement of Overriding Considerations is Not Based On Substantial Evidence.**

- a. **The DEIS Fails to Identify all of the Proposed Project's Significant and Unavoidable Impacts, including but not limited to inconsistencies with the current General Plan, Regional Plan, the Code of Ordinances and the applicable Plan Area Statements; inconsistency with adjacent land uses; impacts to scenic resources, noise levels; and impacts to groundwater.**

FEIR/EIS Chapter 2 summarized the potential impacts of Alternatives 1, 1A, 2, 3, 4, 5 and 6 and associated mitigation measures in Table 2.1. FEIR/EIS Chapter 20 discloses potentially Significant and Unavoidable impact for these alternatives in Section 20.5, *Significant and Unavoidable Impacts*. Table 20-2, *Significant and Unavoidable Impacts by Alternative*, presents significant and unavoidable impacts by alternative and by environmental resource, clearly indicating to the reader both the EIR/EIS chapter and specific impact analysis to review.

- b. **The DEIR Fails to identify the Specific Considerations That It Believes Makes Infeasible Mitigation Measures of Alternatives to the Proposed Project.**

The appeal appears to be premised on the assertion that information on the feasibility of mitigation measures or alternatives must be included in the EIR in order to be relied upon by decision-makers. This assertion is incorrect. In making feasibility determinations, the agency may rely on any information in the

record before it. This information includes, but is not limited, to the EIR. (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.)

The appeal also appears to be premised on the assertion that the County has rejected identified mitigation measures as infeasible. This assertion is incorrect. In approving the project, the Planning Commission also adopted all of the mitigation measures recommended in the FEIR/EIS. No mitigation measures were rejected as infeasible.

In some instances, the FEIR/EIS concludes no mitigation measures are available to address a significant impact. For example, the FEIR/EIS includes a detailed discussion of congestion problems at Fanny Bridge. The FEIR/EIS explains why mitigating this problem is infeasible. (FEIR/EIS, Master Response 9.) The Planning Commission's adopted findings agree with this conclusion. Thus, even though information on the feasibility of mitigation measures need not appear in the EIR, in this case the EIR does contain such information.

The appeal is also premised on the assertion that the EIR does not contain information on the feasibility of alternatives. This assertion is both legally unfounded and factually incorrect. First, as noted above, information on the feasibility of alternatives need not be restricted to information in the EIR; the agency may consider information in the EIR or elsewhere in the record in considering the feasibility of alternatives. (*Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 566; *San Franciscans Upholding the Downtown Plan v. City of San Francisco* (2002) 102 Cal.App.4th 656; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383; *Sierra Club v. County of Napa* (2005) 121 Cal.App.4th 1490.) Second, in this case the FEIR/EIS does contain information on the feasibility of alternatives. (FEIR/EIS, chapter 23, Master Response 2.) As the above cases make clear, in reaching conclusions and adopting findings concerning the feasibility of alternatives, the County is not restricted to information in the FEIR/EIS.

## Response to Appellant League to Save Lake Tahoe's letter dated October 12, 2011

The League to Save Lake Tahoe contends that comments on the DEIS/EIR were not adequately addressed in the FEIS/EIR.

This assertion is inaccurate and baseless. Responses were provided for the League's comments on the Draft EIS/EIR regarding the following issues:

- Arrival rates of guests to HMR by day
- Analysis of travel patterns for residential units (tourist-based vs. residential)
- Internal capture and alternative mode reduction rates
- Shuttle occupancy data
- Friday trip generation analysis
- Resort Hotel trip generation rate
- Guests travelling to other ski resorts
- Sunday trip generation
- Skier drop off rates
- Wintertime VMT analysis
- Summertime VMT analysis
- Mitigation fee program
- Daily trip generation and VMT analysis
- Saturday queuing analysis
- LOS E standards

The following responses address additional comments provided by the League to Save Lake Tahoe in its October 12, 2011, letter:

- *Winter traffic analysis should have been performed for Saturday, not Friday. TRPA uses Saturday afternoon for winter traffic volumes (Mobility 2030: Transportation and Monitoring Program). To our knowledge no other projects have used Friday PM as the peak time for winter.*

Response: The Saturday afternoon winter traffic volumes referenced in this comment refer to monitoring that is performed at Park Avenue (in South Lake Tahoe) on President's Day weekend based on a specific US 50 Threshold in the TRPA Code of Ordinances. This traffic volume monitoring is not related to typical Lake Tahoe Basin traffic analysis periods.

- *Winter traffic volumes were estimated rather than counted. DEIS/EIR assumes that a winter traffic count is 75% of the traffic count when in fact winter counts could be higher.*

Response: As stated on page 11-6 of the FEIS/EIR, winter traffic volumes were calculated using Caltrans monthly average daily traffic volume data collected at locations on SR 89 and SR 28. The data shows that traffic volumes in February (peak winter traffic month) are approximately 75% of traffic volumes in August.

- *Traffic counts performed in 2006 are not valid because they were not performed by a neutral third party selected through the TRPA's consultant.*

Response: The 2006 traffic counts were provided by Placer County as public information.

- *The EIS should have compared Friday 3 to 6 PM with Saturday 3 to 6 PM.*

Response: The TRPA conducts traffic analyses for the Friday PM peak hour because traffic volumes in the Lake Tahoe Basin are typically highest during this time period.

- *The lodging guests will be skiing just like the day skiers so why will lodging skiers leave earlier than other skiers on Sunday.*

Response: The analysis does not assume that all lodging guests will vacate the property on Sunday. It is assumed that the resort will be 100% occupied on peak weekends, and 50% occupied on Mondays; therefore, half of the lodging units vacate throughout the day on Sunday. It is also unrealistic to assume that 100% of lodging guests will be skiing on Sunday. Some may ski, but others will not in order to leave early - this assumption is accounted for in the analysis. In addition, lodging guests typically live further from the Lake Tahoe Basin than day skiers who are usually local. As such, they will have a longer drive home or may need to fly home, requiring them to leave periodically throughout the day.

- *No appendix has been provided demonstrating how trip length was derived for VMT analysis.*

Response: Average vehicle trips lengths were obtained from the TRPA travel demand model. TRPA runs the model internally and average trip lengths were provided by TRPA staff for use in the analysis.

- *In the parking analysis, how was it determined that 70% of the guests would ski, that 25% of these skiers would travel to other ski areas, and that*

*10% of these travelers would use public transportation? Master Response 12 which addresses this question with "any assumptions presented in this analysis are founded on the best data available and/or engineering judgment based on logic and specialized expertise in the field." The response does not specify if this particular question is addressed through data or from logic.*

Response: The Homewood Mountain Resort Parking Study was provided to the EIS/EIR team by Placer County. The percentage of guests estimated to leave the ski area during the course of their stay (such as to ski in other areas) was based upon survey data from another large existing North Tahoe ski area, wherein survey results indicated that 43 percent of guests leave the resort during their stay. This data also indicated that approximately 12 percent of skiers use public transportation. The proportion of skiers lodged in one resort center and choosing to ski in another is also substantiated in the EIR documents prepared for both the Village-at-Northstar and the Northstar Highlands.

- *Concerned about the Alternative Transportation Plan and how it will be guaranteed for the lifetime of the resort. The Final EIS/EIR stated that conditions will come with approval by the County and the TRPA permit. Will the permit require that the Alternative Transportation Plan be followed for the lifetime of the resort? What will be the consequences if the Plan is not followed in 10 years, 20 years, 50 years, or 100 years after project approval?*

Response: Under CEQA, the lead agency must ensure that "measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures," and must adopt a monitoring program to ensure that the mitigation measures are implemented. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1189, citing *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-1261.) Consistent with this requirement, the County's conditional use permit for the Project requires compliance with all of the mitigation measures including the Alternative Transportation Plan. (See CUP, Condition Nos. 3 and 196.) This measure is also adopted and applied to the Project through the MMRP and the County's findings. Finally, Section 3.7 of the development agreement requires the applicant to perform all of the mitigation measures. The mitigation measure is therefore enforceable.

Any agency can rely on its commitment to devise mitigation measures as evidence that impacts will in fact be mitigated. (See *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394; *Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671, 680 ["City is not

obliged to speculate about effects which might result from violations of its own ordinances”].) In this case, the Alternative Transportation Plan is recommended for approval by the Board. If approved, the requirement to implement the plan will be an enforceable obligation of the applicant. Under CEQA, the County is not required to speculate what might occur if the Plan is not followed in 10 years, 20 years, 50 years, or 100 years after project approval.

More generally, a public agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true. (Pub. Resources Code, § 21080, subd. (e); *City of Del Mar v. City of San Diego* (1982) 133 Cal. App. 3d 401, 412.)

In this case, the Plan will be an enforceable part of the Project. The EIR properly focused on the impacts of the Project with implementation of this Plan. The County has ample authority to ensure that the Plan is, in fact, implemented. CEQA does not require further speculation about what may or may not occur in the distant future.

- *FEIS/EIR response that construction trips are not permanent and do not need permanent mitigation is inadequate. A temporary mitigation for this impact should be provided.*

Response: As stated in the response to comment 14a-122 in Chapter 23 of the FEIS/EIR, the TRPA Code of Ordinances defines a Significant Impact as “an increase of more than 200 daily vehicle trips, determined by the Trip Table of other competent technical information.” Peak construction traffic is estimated to be less than 200 vehicles per day based on construction phasing schedules.

- *Increases in fall and spring traffic are also likely to be significant. These impacts have yet to be analyzed as part of the EIS.*

Response: Peak traffic volumes in the Lake Tahoe Basin occur during the summer. Winter traffic analysis was performed for this project because of the land uses associated with the project and their high winter trip generation characteristics. Caltrans monthly average daily traffic volume data collected at locations on SR 89 and SR 28 show that spring and fall traffic volumes are significantly lower (50-60%) than summer traffic volumes. Therefore analysis of these time periods is not necessary because any potential traffic impacts will be less than impacts identified during the summer operation period.



## Memorandum

<b>Date:</b>	November 16, 2011
<b>To:</b>	Rob Brueck Hauge Brueck Associates 2233 Watt Avenue, Suite 230 Sacramento, CA 95825
<b>Cc:</b>	Laura Yoon, ICF International
<b>From:</b>	Shannon Hatcher ICF International
<b>Subject:</b>	<b>HMR Ski Area Master Plan Air Quality and Greenhouse Gas Analysis for the Transfer of TAU/ERU</b>

## Introduction

The transfer and conversion of tourist accommodation units (TAU) and equivalent residential units (ERU) proposed as part of the Master Plan will affect regional air pollutant emissions in the Lake Tahoe Air Basin (LTAB). This memorandum quantifies criteria and greenhouse gas (GHG) emissions associated with vehicle miles traveled (VMT) from existing and banked TAU and ERU that will be used by Homewood. Portions of these emissions will be subsumed into the Master Plan through the operation of transferred and converted TAU and ERU at the HMR. However, a portion of the emissions will be eliminated through changes in regional traffic volumes. This would result in regional benefits to air quality.

## Emissions Quantification

Vehicle exhaust generates both criteria pollutant and GHG emissions. Criteria pollutants include ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO<sub>x</sub>]), carbon monoxide (CO), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)<sup>1</sup>. GHG emissions include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrogen dioxide (N<sub>2</sub>O).

<sup>1</sup> PM<sub>10</sub> refers to particulate matter less than or equal to 10 microns in diameter, whereas PM<sub>2.5</sub> refers to particulate matter less than or equal to 2.5 microns in diameter

The URBEMIS2007 (version 9.2.4) model and traffic assumptions provided by Fehr & Peers were used to quantify criteria pollutant and CO<sub>2</sub> emissions associated with VMT for existing TAU and ERU. URBEMIS utilizes the California Air Resources Board (ARB) EMFAC2007 (version 2.3) program to estimate vehicular emissions. Average trip lengths and daily VMT provided by Fehr & Peers<sup>2</sup> were assumed in the modeling. Consistent with the analysis performed for the Master Plan, emissions were estimated for both winter and summer conditions within the LTAB.

URBEMIS does not generate emissions estimates for CH<sub>4</sub> or N<sub>2</sub>O. The vehicle fleet profile and VMT generated by the URBEMIS2007 simulations were used to calculate total CH<sub>4</sub> emissions based on the EMFAC2007 running exhaust and starting emissions factors. Emissions of N<sub>2</sub>O were calculated based on annual fuel use by vehicle type and emission factors for diesel and gasoline provided by the ARB. For additional information on the vehicle fleet profile and emission factors assumed in the analysis, please refer to Chapter 23 in the Final EIR/EIS for the Master Plan.

## Results

Fehr & Peers analyzed VMT for the TAU and ERU using two trip generation methodologies. Scenario 1 analyzes the TAU to be converted to ERU as ERU, whereas Scenario 2 analyzes the TAU that will be converted to ERU as TAU (recognizing their current use and what they could be used for elsewhere).

Emissions were quantified for each scenario and are summarized in the following sections. Note that neither scenario considers internal capture or alternative mode reductions. Emissions estimates would likely be lower if these factors were considered, but would depend on how banked units were operated in a new development.

### Scenario 1 Analysis

Tables 1 and 2 summarize criteria pollutants associated with VMT generated by the TAU and ERU. Emissions are presented for both winter (Table 1) and summer (Table 2) conditions in 2021 (full build out year assumed for the Master Plan in the Final EIR/EIS).

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<sup>2</sup> For additional information the traffic modeling assumptions, please refer to the Fehr & Peers memorandum submitted on November 14, 2011 to Hauge Brueck Associates.

**Table 1. Criteria Pollutant Emissions at HMR Buildout (2021), Scenario 1 Winter (pounds per day)**

<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM10</b>	<b>PM2.5</b>	<b>SO<sub>2</sub></b>
<i>Tourist Accommodation Units</i>						
TAU Units Currently In Use (Tahoe Inn)	5.53	7.45	53.81	10.58	2.01	0.05
TAU Banked Units (North Shore Lodge)	0.81	1.09	7.86	1.55	0.29	0.01
<i>Equivalent Residential Units</i>						
TAU Banked Units to be Converted to ERUs (Tahoe Inn)	1.28	1.57	12.31	2.05	0.39	0.01
TAU Units Currently In Use to be Converted to ERUs (Tahoe Inn)	0.11	0.14	1.08	0.18	0.03	0
ERU Banked Units/ Development Rights	0.73	0.89	6.96	1.16	0.22	0.01
<i>Summary of all Units</i>						
TAU Units Currently In Use	5.53	7.45	53.81	10.58	2.01	0.05
TAU Banked Units	0.81	1.09	7.86	1.55	0.29	0.01
TAU Banked Units Converted to ERUs	1.28	1.57	12.31	2.05	0.39	0.01
TAU Units Currently In Use Converted to ERUs	0.11	0.14	1.08	0.18	0.03	0
ERU Banked Units /Development Rights	0.73	0.89	6.96	1.16	0.22	0.01
<b>Total Emissions</b>	<b>8.46</b>	<b>11.14</b>	<b>82.02</b>	<b>15.52</b>	<b>2.94</b>	<b>0.08</b>

**Table 2. Criteria Pollutant Emissions at HMR Buildout (2021), Scenario 1 Summer (pounds per day)**

<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM10</b>	<b>PM2.5</b>	<b>SO<sub>2</sub></b>
<i>Tourist Accommodation Units</i>						
TAU Units Currently In Use (Tahoe Inn)	4.49	4.97	48.32	10.58	2.01	0.06
TAU Banked Units (North Shore Lodge)	0.66	0.73	7.06	1.55	0.29	0.01
<i>Equivalent Residential Units</i>						
TAU Banked Units to be Converted to ERUs (Tahoe Inn)	1.04	1.06	10.25	2.05	0.39	0.01
TAU Units Currently In Use to be Converted to ERUs (Tahoe Inn)	0.10	0.09	0.9	0.18	0.03	0
ERU Banked Units/ Development Rights	0.59	0.6	5.79	1.16	0.22	0.01
<i>Summary of all Units</i>						
TAU Units Currently In Use	4.49	4.97	48.32	10.58	2.01	0.06
TAU Banked Units	0.66	0.73	7.06	1.55	0.29	0.01
TAU Banked Units Converted to ERUs	1.04	1.06	10.25	2.05	0.39	0.01
TAU Units Currently In Use Converted to ERUs	0.10	0.09	0.9	0.18	0.03	0
ERU Banked Units /Development Rights	0.59	0.6	5.79	1.16	0.22	0.01
<b>Total Emissions</b>	<b>6.88</b>	<b>7.45</b>	<b>72.32</b>	<b>15.52</b>	<b>2.94</b>	<b>0.09</b>

Table 3 presents GHG emissions associated with VMT generated by the TAU and ERU. Emissions are presented in metric tons per year and summarized in terms of CO<sub>2</sub>e<sup>3</sup>.

**Table 3. Greenhouse Gas Emissions at HMR Buildout (2021), Scenario 1 (metric tons per year)**

Scenario	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
<i>Tourist Accommodation Units</i>				
TAU Units Currently In Use (Tahoe Inn)	1,081	0.03	0.04	1,094
TAU Banked Units (North Shore Lodge)	158	0.00	0.01	160
<i>Equivalent Residential Units</i>				
TAU Banked Units to be Converted to ERUs (Tahoe Inn)	212	0.01	0.01	214
TAU Units Currently In Use to be Converted to ERUs (Tahoe Inn)	18	0.00	0.00	19
ERU Banked Units/ Development Rights	120	0.00	0.00	121
<i>Summary of all Units</i>				
TAU Units Currently In Use	1,081	0.03	0.04	1,094
TAU Banked Units	158	0.00	0.01	160
TAU Banked Units Converted to ERUs	212	0.01	0.01	214
TAU Units Currently In Use Converted to ERUs	18	0.00	0.00	19
ERU Banked Units /Development Rights	120	0.00	0.00	121
<b>Total Emissions</b>	<b>1,589</b>	<b>0.04</b>	<b>0.06</b>	<b>1,608</b>

As shown in Tables 1 and 2, emissions generated by vehicle trips associated with the TAU and ERU are typically highest in the winter. Total GHG emissions generated by the TAU and ERU equate to 1,608 metric tons of CO<sub>2</sub>e.

<sup>3</sup> CO<sub>2</sub>e is a standard reporting metric that allows one to characterize the complex mixture of GHGs as a single unit taking into account that each gas has a different global warming potential (GWP).

## Scenario 2 Analysis

Tables 4 and 5 summarize criteria pollutants associated with VMT generated by the TAU and ERU. Emissions are presented for both winter (Table 4) and summer (Table 5) conditions in 2021.

**Table 4. Criteria Pollutant Emissions at HMR Buildout (2021), Scenario 2 Winter (pounds per day)**

Scenario	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>
<i>Tourist Accommodation Units</i>						
TAU Units Currently In Use (Tahoe Inn)	5.53	7.45	53.81	10.58	2.01	0.05
TAU Banked Units (North Shore Lodge)	0.81	1.09	7.86	1.55	0.29	0.01
<i>Equivalent Residential Units</i>						
TAU Banked Units to be Converted to ERUs (Tahoe Inn)	2.86	3.85	27.81	5.47	1.04	0.03
TAU Units Currently In Use to be Converted to ERUs (Tahoe Inn)	0.25	0.33	2.42	0.48	0.09	0
ERU Banked Units/ Development Rights	0.73	0.89	6.96	1.16	0.22	0.01
<i>Summary of all Units</i>						
TAU Units Currently In Use	5.53	7.45	53.81	10.58	2.01	0.05
TAU Banked Units	0.81	1.09	7.86	1.55	0.29	0.01
TAU Banked Units Converted to ERUs	2.86	3.85	27.81	5.47	1.04	0.03
TAU Units Currently In Use Converted to ERUs	0.25	0.33	2.42	0.48	0.09	0
ERU Banked Units /Development Rights	0.73	0.89	6.96	1.16	0.22	0.01
<b>Total Emissions</b>	<b>10.18</b>	<b>13.61</b>	<b>98.86</b>	<b>19.24</b>	<b>3.65</b>	<b>0.10</b>

**Table 5. Criteria Pollutant Emissions at HMR Buildout (2021), Scenario 2 Summer (pounds per day)**

Scenario	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>
<i>Tourist Accommodation Units</i>						
TAU Units Currently In Use (Tahoe Inn)	4.49	4.97	48.32	10.58	2.01	0.06
TAU Banked Units (North Shore Lodge)	0.66	0.73	7.06	1.55	0.29	0.01
<i>Equivalent Residential Units</i>						
TAU Banked Units to be Converted to ERUs (Tahoe Inn)	2.33	2.57	24.98	5.47	1.04	0.03
TAU Units Currently In Use to be Converted to ERUs (Tahoe Inn)	0.21	0.22	2.17	0.48	0.09	0
ERU Banked Units/ Development Rights	0.59	0.6	5.79	1.16	0.22	0.01
<i>Summary of all Units</i>						
TAU Units Currently In Use	4.49	4.97	48.32	10.58	2.01	0.06
TAU Banked Units	0.66	0.73	7.06	1.55	0.29	0.01
TAU Banked Units Converted to ERUs	2.33	2.57	24.98	5.47	1.04	0.03
TAU Units Currently In Use Converted to ERUs	0.21	0.22	2.17	0.48	0.09	0
ERU Banked Units /Development Rights	0.59	0.6	5.79	1.16	0.22	0.01
<b>Total Emissions</b>	<b>8.28</b>	<b>9.09</b>	<b>88.32</b>	<b>19.24</b>	<b>3.65</b>	<b>0.11</b>

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Table 6 presents GHG emissions associated with VMT generated by the TAU and ERU. Emissions are presented in metric tons per year and summarized in terms of CO<sub>2</sub> equivalents (CO<sub>2</sub>e).

**Table 6. Greenhouse Gas Emissions at Full Buildout (2021), Scenario 2 (metric tons per year)**

Scenario	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
<i>Tourist Accommodation Units</i>				
TAU Units Currently In Use (Tahoe Inn)	1,081	0.03	0.04	1,094
TAU Banked Units (North Shore Lodge)	158	0.00	0.01	160
<i>Equivalent Residential Units</i>				
TAU Banked Units to be Converted to ERUs (Tahoe Inn)	559	0.02	0.02	565
TAU Units Currently In Use to be Converted to ERUs (Tahoe Inn)	49	0.00	0.00	49
ERU Banked Units / Development Rights	120	0.00	0.00	121
<i>Summary of all Units</i>				
TAU Units Currently In-Use	1,081	0.03	0.04	1,094
TAU Banked Units	158	0.00	0.01	160
TAU Banked Units Converted to ERUs	559	0.02	0.02	565
TAU Units Currently In Use Converted to ERUs	49	0.00	0.00	49
ERU Banked Units /Development Rights	120	0.00	0.00	121
<b>Total Emissions</b>	<b>1,967</b>	<b>0.05</b>	<b>0.07</b>	<b>1,989</b>

As shown in Tables 4 and 5, emissions generated by vehicle trips associated with the TAU and ERU are typically highest in the winter. Total GHG emissions generated by the TAU and ERU equate to 1,989 metric tons of CO<sub>2</sub>e.

## Emissions Relative to HMR Master Plan

A portion of the emissions generated by vehicles trips associated with the TAU and ERU will be subsumed into the Master Plan. The Final EIR/EIS quantifies total emissions associated with project operations, but did not take into account changes in regional emissions from the transfer and conversion of existing or banked TAU and ERU. Because emissions from the TAU and ERU have been modeled as part of the HMR transportation analysis and will no longer be independently generated, the TAU and ERU emissions totals should be removed from the HMR traffic estimates assumed in the Final EIR/EIS to avoid double counting of VMT.

Tables 7 and 8 summarize total operational criteria pollutant emissions for Alternative 1/1A, accounting for vehicular emissions generated by the TAU and ERU under Scenario 1 and 2, respectively. Emissions are presented for Alternative 1/1A, as it includes the proposed project and maximum emissions alternative. Emissions are presented for all mobile and area sources analyzed in the Final EIR/EIS. Vehicular emissions generated by existing TAU and ERU have been subtracted from the summer and winter traffic emissions presented in the tables. Negative values indicate regional emission reductions.

**Table 7. Operational Emissions (2021) from the Proposed Project (Alternative 1/1A) Accounting for Vehicle Emissions Generated by Transferred and Converted TAU and ERU (Scenario 1)**

Source	ROG	NO <sub>x</sub>	CO	PM10	PM2.5	SO <sub>2</sub>
<b>Mobile</b>						
Traffic (Winter) <sup>1</sup>	3.89	4.28	36.22	5.25	1.02	0.02
Traffic (Summer) <sup>1</sup>	3.82	-0.28	-0.50	-1.01	-0.17	-0.01
Hybrid Water Taxi	0.96	3.28	1.44	0.09	0.08	0.00
<b>Area</b>						
Natural Gas	30.94	25.89	41.27	0.77	0.77	0.00
Landscape	0.74	0.12	9.27	0.03	0.03	0.00
Consumer Product	10.47	0.00	0.00	0.00	0.00	0.00
Exterior Coatings	2.45	0.00	0.00	0.00	0.00	0.00
Diesel Generator	0.00	0.02	0.02	0.00	0.00	0.00
Total for the Proposed Project (Alternative 1/1A) (Winter)	49	33	79	6	2	0.02
Total for the Proposed Project (Alternative 1/1A) (Summer)	49	29	52	0	1	-0.01
Total for No Project (Alternative 2) (Winter)	15	20	140	24	5	0
Total for No Project (Alternative 2) (Summer)	1	3	6	0	0	0
Comparison to No Project (Alternative 2) (Winter)	(+34)	(+14)	(-61)	(-18)	(-4)	(0)
Comparison to No Project (Alternative 2) (Summer)	(+49)	(+27)	(+45)	(0)	(+1)	(0)

<sup>1</sup> Emissions generated by the TAU and ERU (Tables 1 and 2) have been subtracted from traffic emissions generated by the HMR, as presented in the Final EIR/EIS.

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**Table 8. Operational Emissions (2021) from the Proposed Project (Alternative 1/1A) Accounting for Vehicle Emissions Generated by Transferred and Converted TAU and ERU (Scenario 2)**

Source	ROG	NO <sub>x</sub>	CO	PM10	PM2.5	SO <sub>2</sub>
<b>Mobile</b>						
Traffic (Winter) <sup>1</sup>	2.17	1.81	19.38	1.53	0.31	0.00
Traffic (Summer) <sup>1</sup>	2.42	-1.92	-16.50	-4.73	-0.88	-0.03
Hybrid Water Taxi	0.96	3.28	1.44	0.09	0.08	0.00
<b>Area</b>						
Natural Gas	30.94	25.89	41.27	0.77	0.77	0.00
Landscape	0.74	0.12	9.27	0.03	0.03	0.00
Consumer Product	10.47	0.00	0.00	0.00	0.00	0.00
Exterior Coatings	2.45	0.00	0.00	0.00	0.00	0.00
Diesel Generator	0.00	0.02	0.02	0.00	0.00	0.00
Total for the Proposed Project (Alternative 1/1A) (Winter)	47	31	62	2	1	0.00
Total for the Proposed Project (Alternative 1/1A) (Summer)	48	27	36	-4	0	-0.03
Total for No Project (Alternative 2) (Winter)	15	20	140	24	5	0
Total for No Project (Alternative 2) (Summer)	1	3	6	0	0	0
Comparison to No Project (Alternative 2) (Winter)	(+32)	(+11)	(-78)	(-22)	(-4)	(0)
Comparison to No Project (Alternative 2) (Summer)	(+47)	(+25)	(+29)	(-4)	(0)	(0)

<sup>1</sup> Emissions generated by the TAU and ERU (Tables 4 and 5) have been subtracted from traffic emissions generated by the HMR, as presented in the Final EIR/EIS.

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Table 9 summarizes total operational GHG emissions for Alternative 1/1A, accounting for vehicular emissions generated by the TAUs and ERUs under Scenario 1 and 2.

**Table 9. Operational Emissions (2021) from the Proposed Project (Alternative 1/1A) Accounting for Vehicle Emissions Generated by Transferred and Converted TAUs and ERUs**

Source	CO <sub>2</sub> e	
	Scenario 1	Scenario 2
Transportation <sup>1</sup>	298	-83
Area Source	18	18
Refrigeration/AC	862	862
Electricity Usage	22,700	22,700
Natural Gas Combustion	5,666	5,666
Water Supply	453	453
Wastewater Treatment	12,825	12,825
<b>Total Emissions</b>	<b>42,821</b>	<b>42,440</b>

<sup>1</sup> Emissions generated by the TAU and ERU (Tables 3 and 6) have been subtracted from traffic emissions generated by the HMR, as presented in the Final EIR/EIS.

As shown in Tables 7 through 9, the transfer and conversion of TAU and ERU to the HMR project site will affect regional emissions within the LTAB. Regional reductions in NO<sub>x</sub>, CO, PM<sub>10</sub>, PM<sub>2.5</sub>, and SO<sub>2</sub> are observed for summer traffic under both Scenarios 1 and 2. Total operational emissions for all criteria pollutants and GHG emissions are reduced relative to what is presented in the Final EIR/EIS. Note that this analysis only accounts for transportation emissions associated with the TAU and ERU. It is likely that additional reductions in area source emissions are likely as the existing units are older and less energy efficient than those being constructed as part of the Master Plan.

## MEMORANDUM

Date: November 14, 2011

To: Rob Brueck, Hauge Brueck

From: Katy Cole, P.E., Fehr & Peers  
Marissa Harned, Fehr & Peers

Subject: **HMR Ski Area Master Plan Trip Generation and VMT Analysis for the Transfer of TAU/ERU**

RN08-0403

Trip generation and vehicle miles of travel (VMT) analyses were performed for the tourist accommodation units (TAU) and equivalent residential units (ERU) proposed for transfer to the HMR project area in the Master Plan project description. HMR currently owns 152 TAUs and 26 ERUs that are available for use in Master Plan implementation. HMR proposes to convert 50 of the TAUs into ERUs under the provisions of TRPA Code Chapter 33.7.

Daily trip generation rates from the TRPA Trip Table and *Trip Generation*, 8<sup>th</sup> Edition (ITE) were used to calculate the daily trip generation of the TAUs and ERUs, and average trip lengths from the TRPA travel demand model were used to calculate VMT. The Hotel trip generation rate was used to calculate TAU trips and the Condominium rate was used to calculate ERU trips. The tourist trip length was used to calculate VMT generated by the TAUs, and the residential trip length was used to calculate VMT generated by the ERUs.

The project will include 102 TAUs including 89 units currently in use by the Tahoe Inn and 13 banked units that previously belonged to the North Shore Lodge. The project will include 76 ERUs including 46 banked TAUs that will be converted to ERUs, 4 TAUs currently in use that will be converted to ERUs, and 26 banked units/development rights. The TAUs and ERUs were analyzed under two scenarios because some of the existing TAUs will be converted to ERUs for the HMR Master Plan. Scenario 1 analyzes the TAUs that will be converted to ERUs using the Condominium trip generation rate and the residential trip length. Scenario 2 analyzes the TAUs that will be converted to ERUs using the Hotel trip generation rate and the tourist trip length (recognizing their current use and what they could be used for elsewhere).

### SCENARIO 1 ANALYSIS

**Table 1** shows the TAU and ERU trip generation and VMT calculations assuming the TAUs that will be converted to ERUs will generate trips associated with an ERU.

TABLE 1 TAU/ERU TRIP GENERATION AND VMT – SCENARIO 1					
	Density	Daily Trip Rate <sup>1</sup>	Daily Trips	Average Trip Length <sup>2</sup>	Daily VMT
<b>TAUs</b>					
TAUs Currently In Use (Tahoe Inn)	89	8.92	794	7.77	6,168
TAU Banked Units	13	8.92	116	7.77	901
TAU Total	102		910		7,069
<b>ERUs</b>					
TAUs Banked Units to be Converted to ERUs (Tahoe Inn)	46	5.86	270	4.42	1,191
TAUs Currently In Use to be Converted to ERUs (Tahoe Inn)	4	5.86	23	4.42	104
ERU Banked Units/Development Rights	26	5.86	152	4.42	673
ERU Total	76		445		1,968
Notes: <sup>1</sup> Daily trip generation rates are from the TRPA Trip Table and <i>Trip Generation</i> , 8 <sup>th</sup> Edition (ITE) <sup>2</sup> Average trip lengths were calculated using the TRPA travel demand model					
Source: Fehr & Peers, 2011					

Table 2 provides a summary of the overall vehicle trips and VMT generated by the TAUs and ERUs that will be used by the Homewood project under Scenario 1.

TABLE 2 TAU/ERU TRIP GENERATION AND VMT SUMMARY – SCENARIO 1			
	Density	Daily Trips	Daily VMT
TAUs Currently In Use	89	794	6,168
TAU Banked Units	13	116	901
TAU Banked Units Converted to ERUs	46	270	1,191
TAUs Currently In Use Converted to ERUs	4	23	104
ERU Banked Units/Development Rights	26	152	673
<b>Total</b>	<b>178</b>	<b>1,355</b>	<b>9,037</b>
Source: Fehr & Peers, 2011			

As shown in Table 2, the TAUs and ERUs to be used by Homewood generate 1,355 daily trips and 9,037 VMT when the TAUs to be converted to ERUs are analyzed as ERUs. Note that this analysis does not consider internal capture or alternative mode reductions, but rather looks at the raw rates for hotels and condominiums. The trip generation and VMT would likely be lower if these factors were considered, but would be dependent on how existing and banked units were operated in a future development scenario.

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**SCENARIO 2 ANALYSIS**

**Table 3** shows the TAU and ERU trip generation and VMT calculations assuming the TAUs that will be converted to ERUs will generate trips associated with a TAU.

<b>TABLE 3 TAU/ERU TRIP GENERATION AND VMT – SCENARIO 2</b>					
	Density	Daily Trip Rate <sup>1</sup>	Daily Trips	Average Trip Length <sup>2</sup>	Daily VMT
<b>TAUs</b>					
TAUs Currently In Use (Tahoe Inn)	89	8.92	794	7.77	6,168
TAU Banked Units	13	8.92	116	7.77	901
TAU Total	102		910		7,069
<b>ERUs</b>					
TAUs Banked Units to be Converted to ERUs (Tahoe Inn)	46	8.92	410	7.77	3,186
TAUs Currently In Use to be Converted to ERUs (Tahoe Inn)	4	8.92	36	7.77	280
ERU Banked Units/Development Rights	26	5.86	152	4.42	673
ERU Total	76		598		4,139
Notes: <sup>1</sup> Daily trip generation rates are from the TRPA Trip Table and <i>Trip Generation</i> , 8 <sup>th</sup> Edition (ITE) <sup>2</sup> Average trip lengths were calculated using the TRPA travel demand model					
Source: Fehr & Peers, 2011					

**Table 4** provides a summary of the overall vehicle trips and VMT generated by the TAUs and ERUs that will be used by the Homewood project under Scenario 2.

<b>TABLE 4 TAU/ERU TRIP GENERATION AND VMT SUMMARY – SCENARIO 2</b>			
	Density	Daily Trips	Daily VMT
TAUs Currently In Use	89	794	6,168
TAU Banked Units	13	116	901
TAU Banked Units Converted to ERUs	46	410	3,186
TAUs Currently In Use Converted to ERUs	4	36	280
ERU Banked Units/Development Rights	26	152	673
<b>Total</b>	<b>178</b>	<b>1,508</b>	<b>11,208</b>
Source: Fehr & Peers, 2011			

As shown in Table 4, the TAUs and ERUs to be used by Homewood generate 1,508 daily trips and 11,208 VMT when the TAUs to be converted to ERUs are analyzed as TAUs. Note that this

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analysis does not consider internal capture or alternative mode reductions, but rather looks at the raw rates for hotels and condominiums. The trip generation and VMT would likely be lower if these factors were considered, but would be dependent on how banked units were operated in a new development.

